

DOCUMENTS DEPARTMENT

1/5



CLOSED
STACKS

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY

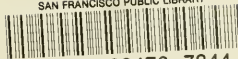
SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK


Not to be taken from the Library

DEC 1 2 1995

SAN FRANCISCO PUBLIC LIBRARY



3 1223 03476 7344



Digitized by the Internet Archive
in 2012 with funding from
California State Library Califa/LSTA Grant

DIRECTOR'S COPY

SAN FRANCISCO CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 6, 1972.

The City Planning Commission met pursuant to notice on Thursday, January 6, 1972, at 1:30 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; James J. Finn, Mortimer Fleishhacker, Mrs. Charles B. Porter, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Daniel Sullivan, Planner III (Zoning); and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the minutes of the meetings of December 1, 9 and 23, 1971, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission of the recent death of William Proctor, Planner IV with the Department of City Planning, and suggested that the Commission might wish to adjourn its meeting in memory of Mr. Proctor. After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 6792 be adopted to express the Commission's sorrow over the loss of this long-time member of the staff of the Department of City Planning.

The Director informed the Commission that he had signed an agreement to purchase a completed house which will be constructed in the Diamond Heights Redevelopment Project Area. The agreement does not violate Section 33130.5 of the Health & Safety Code or any other provision of the law relating to purchase of Redevelopment Project Area lands by public officers and employees according to a written opinion by his counsel and the general counsel for the San Francisco Redevelopment Agency. While not required by law, Mr. Jacobs stated that he wanted to bring this matter to the attention of the Commission.

The Director reported on a meeting which had been held by the Chinatown Citizens Advisory Committee on the previous evening. After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 6793 be adopted to express the Commission's sorrow over the recent death of Lansing Kwok, who had served as a member of the Chinatown Citizens Advisory Committee at the request of the City Planning Commission.

JANUARY 6, 1972

The Director reminded the Commission's Ad Hoc Committee on a Composite Report on the Waterfront (Commissioners Fleishhacker, Porter, Ritchie) of a meeting scheduled with the Port Commission Committee next Tuesday, January 11, at 9:00 a.m.

The Director informed the Plan Implementation Committee (Commissioners Finn, Fleishhacker, Porter) of a meeting scheduled next Wednesday, January 12, at 2:00 p.m. to discuss urban design height and bulk proposals.

At this point in the proceedings, President Newman arrived in the meeting room and assumed the chair.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), requested that the Commission modify the action which it had taken during the special meeting in the morning concerning two Capital Improvement Projects which had been submitted by the Port Commission. The projects involved were 775.70.304 calling for beautification of portions of the exterior of the Ferry Building and for internal improvements in the building and project 775.70.303 calling for remodeling of the existing Ferry Building Garage into offices and relocation of the garage to an adjacent pier. In both cases, the Commission had taken action to assign a "Hold" rating to the projects involved. In the interim, however, the Port Commission had indicated that the projects should proceed during the next fiscal year and had requested that the priority ratings be altered. He recommended that a rating of "Essential" be given to the first phase of project 775.70.304 and that project 775.70.303, also, be given a priority rating of "Essential". He also recommended that the policy statement attached to project 775.70.303 be deleted. After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the changes recommended by Mr. Steele be approved.

Consideration of proposed Work Program and Budget for Department of City Planning for Fiscal Year 1972-73.

The Director distributed copies of the proposed Work Program and Budget to members of the Commission, noting that both had been reviewed by the Budget and Personnel Committee of the Commission. After summarizing both proposals, he recommended that they be approved by the Commission. After discussion it was moved by Commissioner Ritchie, seconded by Commissioner Fleishhacker, and carried unanimously that the proposed Work Program and Budget for the Department of City Planning for the fiscal year 1972-73, as recommended by the Director of Planning, be approved.

At 1:55 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 2:00 p.m. for the scheduled Zoning Hearing.

2:00 P.M. - Room 282, City Hall

R71.46 - Lease of property: Geary-Presidio Car Barn and Bus Yard, Block 1072, Lot 1; and

ZM71.24 - Presidio Yard: the block bounded by Presidio Avenue, Euclid Avenue, Masonic Avenue and Geary Boulevard.
(Under advisement from meeting of December 2, 1971)

Allan B. Jacobs, Director of Planning, called attention to the following letter which had been received from Wallace Wortman, Director of Property:

"It is respectfully requested that the hearing for the reclassification of the subject property from the present "P" public use designation to "C-2" community business district, which was scheduled for January 6, 1972, be postponed for one month.

"Representatives of our Department and those of the Public Utilities Commission have met with several of the interested developers during the past few weeks in an effort to resolve some of the objections that were voiced at the City Planning Commission meeting of December 2, 1971.

"It was the consensus of opinion of the developers and the City representatives that further analysis by the staff of the developers would be required, and therefore the request for a thirty day extension is hereby submitted."

The Director recommended that both the referral matter and the reclassification application be continued under advisement until the meeting of February 3, 1972; however, he observed that the Commission might wish to hear from some of the individuals who were present in the audience.

President Newman asked if there were any one in the audience who would not be able to be present on February 3 and wished to address the present hearing. One lady raised her hand.

Arthur Connolly, attorney for the Laurel Heights Association, stated that he had no objection to the requested postponement; however, he hoped that all interested parties could be given advance notice if a further request should be made to postpone the hearing beyond February 3.

President Newman asked Mr. Wortman to advise the Commission at least one week in advance if he wished to request further postponement beyond February 3.

Mrs. Maurice Goldberg, President of the Laurel Heights Improvement Association, asked if it would be possible to postpone the matter for at least six weeks so she could have another opportunity to meet with members of her group to discuss the proposal.

JANUARY 6, 1972

The Director stated that the matter should be continued under advisement until the meeting of March 2, 1972, if the Commission wished to honor Mrs. Goldberg's request. Mr. Wortman stated that he would have no objection to a two-month continuance.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Fleishhacker, and carried unanimously that both the referral matter and the reclassification application be continued under advisement until the meeting of March 2, 1972.

CU71.48 - 1325, 1401-1477, 1492 Potrero Avenue, 23-32 Army Street; and 1427, 1458-1464 San Bruno Avenue. Potrero Avenue, east line, 98 feet south of 25th Street; a through parcel to San Bruno Avenue.

Request for authorization for a Planned Unit Development with approximately 320 low-rise dwelling units for low-to-moderate income families and elderly persons, and a community building; in an R-3 District.

(Under advisement from meeting of December 2, 1971)

Robert Passmore, Planner V (Zoning), remarked that the subject application had been taken under advisement from the meeting of December 2, 1971, because plans for the planned unit development were not sufficiently detailed to allow adequate review by the Commission at that time. No additional plans had been filed with the Department of City Planning during the interim; and a letter had been received from Donald S. Kavanagh, Vice-President of the Edenvale Construction Company, requesting that the matter be continued under advisement until the meeting of February 3, 1972, to allow the applicant time to prepare and submit additional site plans and architectural exhibits for review. Mr. Passmore recommended that the matter be continued under advisement until the meeting of February 3, 1972.

Robert Zolly, representing the Mission Coalition Organization, distributed copies of a written statement concerning the subject application to individual members of the Commission.

After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that the subject application be continued under advisement until the meeting of February 3, 1972.

ZM71.23 - 2601-2611, 2615-2617, 2619-2621, and 2625-2647 - 24th Street, south line, between Potrero Avenue and Utah Street.

C-2 to an R-4-C District

(Postponed from the meeting of December 2, 1971)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administration), referred to land use and zoning maps to describe the subject property and repeated comments which he had made during the meeting of December 2, 1971, in explanation of the subject application.

JANUARY 6, 1972

Thomas Casey, attorney for the Rippe family, owners of one of the parcels of property included in the subject application, remarked that Section 302(b) of the City Planning Code specifies that reclassification applications may be initiated only by the Board of Supervisors, the City Planning Commission, or one or more interested property owners or their agents; and he noted that the same Section of the Code defines an "interested property owner" as "an owner of real property that is either within the area included in the application or within a distance of 300 feet of the boundaries of such area or at a greater distance therefrom where such property might be affected by development currently permitted by this Code within the area." Since the subject application had been filed by the Mission Coalition Organization, and since the Mission Coalition Organization does not own any property in the immediate area, he felt that the application should be declared null and void. He suggested that the question of the validity of the application should be transmitted to the City Attorney for an opinion.

Julie Ann Bowman, Chairman of the Planning Committee of the Mission Coalition Organization, stated that the subject application had been filed because the members of her organization felt that no more commercial uses, especially gas stations, should be allowed to detract from the residential quality of the neighborhood in the vicinity of 24th Street and Potrero Avenue. She stated that other owners of property in the area had expressed their support of the application; and she did not understand why Mr. Rippe was opposed to the application or why he had not been willing to discuss the matter with representatives from her organization.

Mr. Casey confirmed that his client did oppose the subject application; however, he felt that the legal question concerning the validity of the application should be resolved before the Commission entertains discussion of the merits of the case.

Commissioner Fleishhacker expected that Mr. Casey would want to have an opportunity to be heard by the Commission if the City should determine that the application is valid. On the other hand, if the City Attorney should determine that the application is invalid, he expected that someone owning property within a three hundred foot radius of the subject site would probably file a new application for consideration by the Commission.

Mr. Steele felt that the Mission Coalition Organization did, in fact, represent interested property owners from the neighborhood; and, as a result, he regarded the application which had been filed as a perfected application.

President Newman asked if the Mission Coalition does represent individuals owning property within a three hundred foot radius of the subject site. Miss Bowman replied that she believed that her organization does represent property owners within a three hundred foot radius of the subject site.

Commissioner Finn asked whose signature appeared on the application. Mr. Steele answered that the application had been signed by Miss Bowman.

After further discussion it was moved by Commissioner Finn and seconded by Commissioner Ritchie that the application be taken under advisement indefinitely pending the receipt of an opinion from the City Attorney regarding the validity of the application.

Commissioner Rueda asked if it would be possible for the City Planning Commission to initiate a new application for reclassification of the subject property. Mr. Steele replied in the affirmative. Commissioner Rueda then stated that he would vote against the motion. He felt that the Mission Coalition Organization does represent property owners in the subject neighborhood; and if there were any question about the legality of the application which had been filed, he felt that a new application should be initiated by the City Planning Commission.

When the question was called, the Commission voted 5-1 to take the subject application under advisement indefinitely pending receipt of an opinion from the City Attorney concerning the legality of the application.

Subsequently, Commissioner Rueda moved that a resolution be adopted to announce the Commission's attention of initiating a new application for reclassification of the subject property.

Commission Fleishhacker noted that the representative of the Mission Coalition Organization had stated that the application had been filed to prevent any further commercial uses from being constructed in the area; and, since the R-4-C zoning classification which had been requested would still allow ground floor commercial uses to be installed on the property, he felt that more consideration should be given to the issues involved before action is taken to initiate a new application for reclassification of the property.

Miss Bowman stated that her organization was not opposed to all commercial uses and indicated that the main purpose of the subject application had been to prevent the construction of a service station on the site.

Commissioner Fleishhacker remarked that the Commission did not normally approve zone changes for such reasons.

Commissioner Ritchie felt that it would be preferable if the new application were to be initiated by an owner of property within three hundred feet of the subject site rather than by the City Planning Commission.

Commissioner Finn asked if an application for construction of a service station on the site had been filed with the Department of City Planning. Mr. Steele replied in the negative.

Commissioner Porter stated that she was sympathetic with Commissioner Rueda's point of view; however, she felt that initiation of a new application by the City Planning Commission would place a cloud of prejudice over the legal issues involved. She felt that it would be best to wait until the City Attorney has rendered his opinion on the legality of the application; and, if the application

were declared to be valid, the Commission could then proceed to consider the merits of the applicant's request. Commissioner Finn agreed with Commissioner Porter.

Commissioner Rueda's motion failed for want of a second.

CU72.3 - 854 Florida Street, west line, 208 feet north of 21st Street.
Request for authorization for a day care center for 35 pre-school children within the existing building; in an R-3 District.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of a rectangular parcel of property 26 feet wide by 100 feet deep with a total area of 100 square feet. The application had been filed by the Mission Child Care Consortium, Inc., agent for the owner of the property, requesting permission to convert the existing vacant dwelling to a day care center for children between the ages of 2½ and 5½ years. The center would be in operation from 7:00 a.m. to 6:00 p.m., five days a week. The front and rear yards of the dwelling contain approximately 1100 square feet of lot area which would be available for a play area for the children. No off-street parking had been proposed. Mr. Steele stated that a nursery school, a day nursery, or a child care center may be permitted as a conditional use in any residential zone provided that there is at least 100 square feet of outdoor play area for each child to be accommodated; and he indicated that the present applicants had also filed a variance application requesting that a maximum of 35 children be allowed on the site even though only 1100 square feet of outdoor play area is available. While the City Planning Code does not establish a specific parking requirement for day schools, the City Planning Commission could require that an appropriate number of off-street parking spaces be provided on the site.

Judy Copeland, Co-chairman of the Mission Coalition Organization Child Care Centers, stated that the proposed facility would be one of a total of eight child care centers which her organization hoped to establish in the Mission District with the assistance of the Mission Model Cities Agency. One of the facilities, accommodating 35 children, is already in operation; and, more than 50 families are already on the waiting list for future openings. In conclusion, she stated that she had received letters from property owners on both sides of Florida Street in support of the subject application.

Sherri Wayne, also a Co-chairman of the Mission Coalition Child Care Centers, stated that she is also an employee of the Welfare Department and, as a result, is quite knowledgeable about the neighborhood. She informed the Commission that there are no day care facilities at all in the subject neighborhood at the present time; and she believed that it was extremely important that the proposed facilities should be approved. While the subject property does not contain sufficient outdoor open space to meet the requirement of the City Planning Code or the requirements of the State of California, she pointed out that playgrounds are available in the area; and in any case, not all of the children cared for by the facility would be outside at any one time. While the State of California requires 75

square feet of interior space for each child, that standard does not take into account the fact that the absenteeism rate in day care centers amounts to approximately 10% per day. Given such a rate of absenteeism, she felt that the subject building would be adequate to accommodate 35 children.

President Newman asked if the applicants would have to obtain a variance if they could not meet the City Planning Codes requirements for outdoor space. Mr. Steele replied in the affirmative and indicated that such an application had already been filed.

Commissioner Finn asked if the requirements of the State Welfare Department for indoor and outdoor space have the weight of law. Mr. Steele replied in the affirmative but indicated that those regulations allow for administrative variances. After Commissioner Finn had asked whether approval would have to be obtained first from the City or the State, Mr. Steele replied that the zoning application would have to be approved before the applicants could request approval from the State.

Commissioner Ritchie noted that only 11 children would be permitted on the site instead of the 35 children requested if the open space requirements of the City Planning Code were to be met; and he remarked that the applicants were seeking a substantial variance.

Miss Copeland advised the Commission that the State Welfare Code provides that 75 square feet of play space should be provided for each child. However, that Code also provides that a facility may be approved if it is adequate in size for the group intended. She believed that the proposed facility would be adequate to serve the needs of 35 children because of the fact that playgrounds and a mini-park are located nearby. Under the circumstances, she hoped that both the conditional use application and the variance application would be granted as soon as possible.

Carlos Carrillo, President of the Mission Coalition Organization, emphasized that not all of the 35 children to be accommodated would ever be inside or outside at the same time. He displayed a chart which had been prepared to show the interior layout proposed for the building; and he felt that it would be possible, if necessary, to accommodate all of the children inside of the building at one time without over-crowding. He stated that at least 45 families are on a waiting list for the type of facility proposed; and, since many of those families cannot go to work until they have some place to leave their children, he felt that it was urgent that the subject application should be approved.

Peter Mendelsohn, a member of the Peoples Action Coalition and a member of TOOR, felt that the subject application should be approved even though the proposed facility might not meet all of the requirements of the City Planning Code. He remarked that large corporations such as the St. Francis Hotel and the Fairmont Hotel probably fail to meet some code requirements, also.

Bonnie Bessamer, a welfare mother, stated that she is presently going to City College to prepare herself for a job which will enable her to get off the welfare rolls. However, unless the proposed facility is approved, she felt that it might not be possible for her to continue her education or to seek employment in the future.

Elmira Neal remarked that many residents of the Mission District cannot afford baby sitters, and she felt that approval of the proposed facility would be a blessing for the neighborhood.

Another lady in the audience stated that she has three children and has to work at night because she cannot leave the children alone during the daytime; and she indicated that availability of the proposed facility would be a great advantage for her.

Mrs. Marie Konoplev, 801 Florida Street, stated that she was in favor of the applicant's proposal; however, because both the lot and the building are so small, she wondered if the children would actually have enough space in which to play, particularly if it should rain.

Mr. Lopez, the father of 5 children, stated that his wife wished to go to work to help him meet expenses; however, hiring a babysitter to take care of the children would cost almost as much as his wife would earn. The day care center, on the other hand, would charge only a nominal fee; and he believed that such a facility would be of benefit to many parents in the neighborhood.

Commissioner Fleishhacker inquired about the financial structure of the proposed facility. Mr. Carrillo asked permission to confer with his associates before responding to Commissioner Fleishhacker's question.

Miguel Rios stated that he had rung all of the doorbells in the subject block of Florida Street to solicit support for the proposed facility. Two individuals had not wished to open their doors; but the remainder of the people had signed a petition favoring the proposed facility.

Mr. Carrillo advised Commissioner Fleishhacker that the subject building would be rented with funds which would be provided by the Mission Model Neighborhood Agency.

Catherine O'Sullivan, a resident of the subject neighborhood, remarked that the subject building seemed too small to accommodate 35 children and 7 adults; and she felt that children should be taken care of properly and not like rabbits in a hutch or pigs in a pen. She remarked that nearby play areas are located at a considerable distance from the subject property; and she wondered what plans had been made to transport the children from one place to another. She also remarked that a box factory is located across the street from the subject site; and, as a result, the neighborhood is inundated with large trucks, some of which park on the sidewalk. Especially since the Model Cities Agency has been given a great deal of money to cover its operating expenses, she felt that it should

make an effort to provide decent facilities for children who will be enrolled in its day care centers.

Mrs. Monserate Brady stated that she had worked as a nursery school teacher in New York and Puerto Rico; and she advised the Commission that most of the day care facilities already existing in San Francisco do not provide even 1/3 of the activities contemplated by the proposed facility. Most of the other facilities merely sit the children in front of a television set without attempting to develop real programs for the amusement and education of the children.

Mr. Steele observed that there is a public need for day care nursery school facilities in the subject residential neighborhood; and he believed that use of the subject property as a child care center would be compatible with the surrounding single family dwellings given the minimal outside changes contemplated by the applicants. Therefore, he recommended that the application be approved subject to the four following conditions:

1. Said authorization shall be for a day care center-nursery school for pre-school and primary school aged children, primarily residents of the Mission district.
2. The number of pre-school and primary school aged children cared for at this day care center-nursery school at any one time shall not exceed 24 children and that 100 square feet of outdoor play space or equivalent be provided for each child or a variance from this requirement be sought and granted.
3. The activities of the day care center nursery school shall not result in excessive or undue noise.
4. The hours of operation of the use shall be only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

Commissioner Porter, noting that the fourth condition would limit operation of the proposed facility to weekdays, asked if the applicants intended to operate the facility on Saturdays. Mr. Carrillo replied in the negative.

Commissioner Finn asked for the applicant's comments on the second condition which would provide that the number of children to be cared for at the facility at any one time should not exceed 24 children. Mr. Carrillo stated that an enrollment of 35 children had been specified in the application; however, since children are often sick and since many of the mothers might work only on a half-day basis, he expected that the number of children actually on the site would not usually be in excess of 24 or 25 children.

Commissioner Porter stated that she was very sympathetic to the need for a child day care center in the subject neighborhood; however, she was disturbed by the small size of the proposed facility. She asked if Condition No. 2 of the draft resolution, which specified that no more than 24 children should be on the

site at any one time, would allow the day care center to have an enrollment of as many as 35 children with the understanding that no more than 24 of the children would be on the site at any one time. Mr. Steele replied in the affirmative, remarking that the City Planning Code addresses itself to the number of children actually in attendance and not to the number of children enrolled in such facilities. He also observed that the long hours of daily operation from 7:00 a.m. to 6:00 p.m. would suggest that children would arrive and depart from the facility on a staggered basis.

President Newman asked if the conditions which had been recommended by Mr. Steele would be acceptable to the applicant. Mr. Carrillo replied in the affirmative.

Commissioner Fleishhacker, noting that the Mission Coalition Organization intended to open six more day care centers in the Mission District, urged that organization to make a greater effort to respect the requirements of the City Planning Code as they search for sites for the additional facilities. He then asked if a fee would be charged by the day care center or if the service would be offered for free.

Mr. Carrillo replied that the fees charged would be related to family incomes.

After further discussion, it was moved by Commissioner Porter and seconded by Commissioner Finn that the draft resolution be adopted and that the application be approved subject to the conditions which it contained.

Commissioner Rueda felt that the Mission Coalition Organization, by asking for permission to triple the number of people allowed in the subject building, was asking for too great a variance from the City Planning Code; furthermore, he believed that occupancy by 24 children, as would be permitted by the adoption of the draft resolution, would over-crowd the building. In searching for new sites for additional day care centers, he urged the Mission Coalition to consider the welfare of the children involved and to make a serious effort to meet or exceed the requirements of the City Planning Code in terms of providing sufficient play area.

Commissioner Finn shared Commissioner Rueda's concern and pointed out that the requirements of the City Planning Code had not been established arbitrarily but purposely for the protection of children who are enrolled in such facilities. Nevertheless, since he felt that an overcrowded day care center would be better than none at all in the subject neighborhood, he was prepared to vote for approval of the application presently under consideration.

Commissioner Ritchie felt that it should have been possible for the applicants to find a larger parcel of property for the proposed facility; and he, also, hoped that more suitable properties would be found for similar projects to be proposed in the future. He emphasized that the Commission, in adopting the draft resolution, would be approving occupancy of the building by 24 children rather

than by 35 children as requested by the applicants; and he remarked that it would be regrettable to find that the authorized number of children is being exceeded.

Commissioner Porter stated that she had originally been absolutely opposed to use of the subject property as a day care center for 35 children; but she felt that the situation might be somewhat better if the number of children were limited to 24 as specified in the draft resolution. In any case, she was confident that the day care center would be operated with the best interests of the children in mind and that the enrollment would be reduced if the facility does, in fact, become overcrowded.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6794 and to approve the application subject to the conditions contained in the draft resolution.

At 3:30 p.m. President Newman announced a 10-minute recess. The Commission reconvened at 3:40 p.m. and proceeded with hearing of the remainder of the agenda.

CU71.53 - Turk Street, northeast corner of Hyde Street.

Request for authorization for a parking lot for 24 automobiles with access onto both Turk and Hyde Streets; in an R-5-C District.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a square lot with frontages of 87.5 feet on both Turk and Hyde Streets and a total area of 7656.25 square feet. The applicant proposed to use the property for an automobile parking lot for approximately 24 automobiles with ingress on Turk Street and egress on Hyde Street. The site would be screened by a fence with ivy and shrubs, and street trees and a concrete bench would be provided. Mr. Steele stated that a commercial parking lot may be authorized only as a conditional use in residential-commercial combining districts. A parking lot for three or more automobiles which adjoins a lot in any residential district must be screened, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or compact evergreen hedge, not less than 4 feet high. All artificial lighting used to light a parking lot in any residential or commercial district must be so arranged so that all direct rays from such lighting will fall entirely in the parking lot.

Bill Marsico, a member of the Advisory Board of the 240 Golden Gate Avenue Building, Inc., stated that his organization had previously owned a 65-foot portion of the subject site fronting on Hyde Street; and he indicated that that portion of the site had been used as a parking lot for approximately 20 years. Approximately 2 years ago, his organization had purchased the corner site with the intention of using it to expand the parking lot. As a result, approval of the subject application would actually result in the addition of six new parking spaces rather than the creation of 24 new parking spaces as implied in the calendar heading. He stated that he had misunderstood the deadline for submitting the information on the proposal to the staff of the Department of City Planning; and, as a result, a proposed landscaping plan had been submitted to the staff of the

Department of City Planning before it had been reviewed by the Board of Directors of his organization. When the Board of Directors had seen the plan, they had objected to certain features of the proposal; and, as a result, he felt that certain features of the original proposal should be modified. Whereas the original landscaping plan had called for a solid fence around the perimeter of the site, he felt that retention of the existing cyclone fence would be preferable from a safety standpoint, particularly since many of the people employed at 240 Golden Gate Avenue work at night and might be endangered if the parking lot were hidden behind a solid fence. He also believed that ingress and egress should be allowed on both Turk and Hyde Streets. Since existing street lights in the area provide adequate illumination for the lot, he did not feel that on-site lighting would be necessary. Finally, while a requirement for tree planting would be acceptable, he hoped that the trees would be placed inside the fence rather than in the sidewalk area so that they would be less subject to vandalism and easier to maintain.

Commissioner Fleishhacker wondered if the total number of parking spaces would have to be reduced if the trees were to be planted inside the fence. He also remarked that the purpose of landscaping is to make parking lots more attractive; and he did not feel that use of a cyclone fence with a couple of trees planted in a corner of the lot would result in an attractive facility. Mr. Marsico replied that at least eight or nine trees would be planted on the site.

Commissioner Rueda asked how high the trees would be. Mr. Marsico replied that they would have a height of approximately 8 feet.

Commissioner Rueda then suggested that it might be desirable to install lighting on the site if the applicants were concerned about the safety of the people who would be using the parking lot. Mr. Marsico replied that lighting would be installed if it were required by the City Planning Commission.

Herman Eimers, President of the Building Service Employees Union Local No. 87, confirmed that the area is frightening to girls who work in the Union offices after dark; and he felt that it would be undesirable to have the parking lot hidden behind a solid fence.

Peter Mendelsohn, representing the Peoples Action Coalition and TOOR, stated that he had originally intended to speak in opposition to the application. However, since approval of the application would result in the addition of only six parking spaces to an existing parking lot, and since he believed that Local No. 87 would not make such poor use of such valuable property for a long period of time, he had changed his mind. He did feel that any fence to be constructed around the site should be low in height; and he agreed with the applicant that the trees should be planted inside the fence rather than on the sidewalk.

President Newman asked if he were correct in understanding that the proposed parking lot would be used exclusively by employees of Local No. 87 and that it would not be open to the public. Mr. Marsico replied in the affirmative and added that the employees would not be required to pay for use of the parking lot.

Mr. Steele stated that Mr. Marsico's misunderstanding of the time factors involved had arisen because a cease and desist order had been issued against illegal use of the corner property as a parking lot. He acknowledged that the safety of the people who would be using the parking lot was an important consideration; and, as a result, he would be willing to accept retention of the existing cyclone fence if ivy were to be planted to soften its effect. He felt that there might be an advantage in placing the trees inside the fence rather than on the sidewalk; and he indicated that he would be willing to work further with the applicant to arrive at a suitable landscaping plan. One advantage of planting the trees inside the sidewalk area would be that they might remain if the site itself is eventually developed with a building; however, in any case, he felt that planing of trees either in the sidewalk area or on the site itself would be essential, particularly since the subject site is located on a corner. He remarked that the subject property is located in an area where there is a deficiency of off-street parking spaces for offices, businesses, and residences; and he believed that use of the property as a parking lot would not seriously affect existing and contemplated pedestrian and vehicular movement in the area. Therefore, he recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He stated that the fourth condition contained in the draft resolution, requiring that at least four street trees be planted on each street frontage, could be deleted if Condition No. 7, requiring review and approval of final landscaping plans for the project by the Department of City Planning, were retained. Commissioner Rueda requested modification of Condition No. 5 of the draft resolution which read as follows:

"Artificial lighting of the lot, if any, shall be of low intensity and shall be reflected downward and away from surrounding properties".

He suggested that the words "if any" should be deleted. Mr. Steele indicated that the modification would be acceptable.

Commissioner Fleishhacker asked if it would be desirable to add a condition specifying that the facility should not be used as a public parking lot. Mr. Steele replied that it might be difficult to give legal definition to such a condition, and he recommended that it not be included in the draft resolution.

After further discussion, it was moved by Commissioner Rueda, seconded by Commissioner Porter and carried unanimously that the draft resolution, as modified, be adopted as City Planning Commission Resolution No. 6795 and that the application be approved subject to the conditions contained in the draft resolution as modified.

CU72.1 - 294 Page Street, northeast corner of Laguna Street.
Request for authorization for a professional office for attorneys within the existing building; in an R-4 district.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular corner lot with a frontage of 27.5 feet on Page Street and a

depth of 120 feet for a total area of 3,300 square feet. The property is presently occupied by a 2-story victorian single family dwelling with a three car garage at the rear of the lot fronting on Laguna Street. The applicants proposed to convert the dwelling to professional offices without making any alterations to the building. Approximately 2200 square feet of the building would be devoted to office use; and the remainder of the dwelling would be used as a full time residence.

Jerry Levinson, one of the attorneys who intended to maintain offices in the subject building, submitted photographs of the interior and exterior of the building for review by the Commission. He stated that the offices would be open from 9:00 a.m. to 5:00 p.m.; and he indicated that the Page - Laguna Neighborhood Association had indorsed the proposed use of the building. He stated that the location of the building would be particularly advantageous since many of his clients live in the subject neighborhood.

President Newman asked how many attorneys would be practicing in the building. Mr. Levinson stated that he has three attorneys in his office at the present time and that he hoped to bring in another attorney in the future.

Mrs. Felton Williams, 289 Lily Street, asked if the applicants intended to construct a fence around the site. Mr. Levinson replied in the negative and pointed out that the existing building covers 100% of the site.

Mr. Steele asked if the attorneys who would occupy the building would handle criminal or civil cases. Mr. Levinson replied that two of the attorneys specialize in criminal law and that the third attorney has a general practice with some civil cases.

Mr. Steele felt that use of the restored victorian residence for professional offices would be appropriate, particularly since the exterior of the building would not be changed. Furthermore, since the attorneys occupying the building would specialize in criminal rather than in civil cases, he believed that no undue noise or traffic would be generated. Therefore, he recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After reviewing the conditions, he recommended that the draft resolution be adopted.

President Newman asked if the conditions would be acceptable to the applicants. Mr. Levinson stated that he had originally requested permission to use the subject building for professional offices without specifying that the offices would be occupied exclusively by attorneys; and he wondered if the wording of the conditions contained in the draft resolution would permit some of the office space to be used by an accountant. Mr. Steele replied that it was more than likely that a determination could be made that occupancy of some of the office space by an accountant would be an accessory use.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6796 and that the application be approved subject to conditions contained in the draft resolution.

 JM72.1 3105-3109 San Bruno Avenue, northeast line, at the corner of Salinas Avenue.
 R-1 and R-3 to a C-2 District.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular lot with frontage of 190.45 feet on San Bruno Avenue and a depth of 40 feet. The rear property line abuts the Bayshore Freeway for a distance of 247.70 feet. The area of the property is 8,764 square feet. The property, which is presently vacant, is a remnant of formerly State-owned freeway property which was recently purchased by the applicant under its present zoning classification. The applicant had indicated that the reclassification had been requested to allow construction of a motel with up to 21 guest rooms and accessory uses, possibly including a liquor store, a restaurant, and a bar.

Louis Piver, the applicant, stated that he no longer intended to construct a bar on the site. The property would be used only for a motel, a liquor store, and a restaurant.

President Newman pointed out that specific use of the site was not before the Commission for consideration. The Commission was being asked to decide whether the property should be reclassified to C-2.

Mr. Piver stated that he had nothing to add to the remarks which had been made by Mr. Steele.

Mrs. Clary, owner of property located across the street from the subject site, asked if commercial uses other than a motel could be constructed on the site if the zoning were to be changed to C-2. Mr. Steele replied in the affirmative, indicating that almost any commercial use would be permitted on the site if the zoning were to be changed.

Mrs. Clary stated that a motorcycle shop had recently opened across the street; and she did not feel that more uses of that sort would contribute to the improvement of the neighborhood.

Attilio Contrero, 815 Girard Street, recalled that someone had tried to put a machine shop in the neighborhood a few years ago; but the neighborhood had been successful in opposing such a use. He asked how development of the subject site with a motel would affect property taxes in the area. Commissioner Finn replied that construction of a motel on the subject site should not affect the assessed value of the property owned by Mr. Contrero.

Mr. Contrero stated that traffic is already heavily congested in the subject neighborhood, particularly when events are taking place at Candlestick Park; and he felt that construction of a motel on the subject site would inevitably make the traffic situation worse.

Al Lovotti, owner of a four unit apartment building across the street from the subject site, asked if one parking space would have to be provided for each of the units in the proposed motel. If not, he agreed with Mr. Contrero that construction of a motel on the property would have a detrimental effect on traffic and parking congestion in the neighborhood. In conclusion, he stated that he had been under the impression that the property was to be landscaped by the State.

Mr. Steele recommended that the application be disapproved. He stated that there is an adequate amount of vacant and under-utilized commercial space already available in the commercially zoned portion of San Bruno Avenue; and he remarked that no public need for additional commercial space in the area had been demonstrated. He noted that lots on the opposite side of San Bruno Avenue are developed for residential use; and he felt that reclassification of the subject property would result in commercial intrusion and would lessen the residential amenities of the block. In conclusion, he remarked that the applicant had recently purchased the subject property from the State of California as R-3 property; and there appeared to be no reason other than for the personal gain of the applicant to rezone the property to C-2.

Mr. Piver felt that adequate on-site parking could be provided for the motel use; and he did not believe that the facility would add to traffic congestion on San Bruno Avenue.

After further discussion it was moved by Commissioner Porter and seconded by Commissioner Finn that the application be disapproved.

Commissioner Rueda asked if the property could be purchased by the City for open space. Mr. Steele replied that the staff would favor such an approach; however, viewing the matter realistically, he doubted if money would be available for the purchase.

Commissioner Porter remarked that the subject property should never have been sold by the State.

Commissioner Ritchie remarked that the property had been sold; and he felt that the new owner of the property had a perfect right to come before the Commission to request that the property be reclassified. He believed that use of the property for commercial development would constitute a natural extension of the existing C-2 commercial district on San Bruno Avenue; and he felt that commercial use of the property would be preferable to residential use of the site.

Commissioner Porter stated that she would be upset if the property across the street from her home were rezoned for commercial use; and she believed that it would be most unfortunate if such an action were to be taken in the present instance.

When the question was called, the Commission voted 5-1 to adopt Resolution No. 6797 and to disapprove the subject application. Commissioners Finn, Fleishhacker, Newman, Porter and Rueda voted "Aye"; Commissioner Ritchie voted "No.".

CU72.2 - San Francisco Conservatory of Music, 1201 Ortega Street, south line, between 19th and 20th Avenues.

Request for authorization for expansion of the Conservatory through construction of a major building addition consisting of classrooms, practice rooms, lounge, rehearsal room, multi-use room, and ground floor parking garage; in R-1 and R-3 Districts.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular parcel with a 203-foot frontage on 19th Avenue, a 342-foot frontage on Ortega Street, and a 190-foot frontage on 20th Avenue for a total area of 47,160 square feet. A portion of the site is presently vacant; and the remainder of the site is occupied by the existing Conservatory of Music buildings and a house on the 20th Avenue frontage owned and used by the Conservatory. The proposal of the applicants was to expand the Conservatory through construction of a major building addition consisting of 8 classrooms, 30 practice rooms, a lounge, rehearsal room, a multi-purpose room and a ground floor parking garage for 32 automobiles. The multi-purpose room with a maximum capacity of 350 seats will be used for various student and facility performances and programs. Mr. Steele stated that an institution of higher learning is permitted as a Conditional Use in an R-3 district. Although art or music schools are not permitted in an R-3 district, the City Attorney's office had informally advised the staff of the Department of City Planning that the Conservatory may be considered as an institution of higher learning since a Bachelor's Degree is offered.

John Beckman, chairman of the Board of Trustees of the San Francisco Conservatory of Music, stated that the Conservatory has grown rapidly during the last few years as it has gained local and national recognition and support. As a result, the Board of Trustees had given a great deal of thought to their plans for the future and had determined that the optimum size of the institution should not exceed an enrollment of between 200 and 250 undergraduates. In addition to the undergraduate program, the Conservatory also has a preparatory program designed for younger students; and a decision had been made to decrease the enrollment in that program. He stated that the building additions which were being proposed would be adequate to accommodate the optimum program envisioned by the Board of Trustees; and he remarked that the proposed decrease in enrollment of the preparatory program would substantially eliminate the parking problem in the area.

Mr. Beckman stated that consideration had been given to relocation of the Conservatory to a redevelopment project area in downtown San Francisco. However, construction of a completely new facility Downtown would have cost almost twice as much as the expansion program presently proposed; and, in addition, the trustees,

the faculty, and the students of the Conservatory had felt that the neighborhood environment of the subject site would be more favorable than downtown San Francisco. Furthermore, good public transportation is available to the subject site. After thoroughly analyzing its requirements, the Conservatory had met with representatives of the neighborhood to obtain their ideas before requesting an architect to prepare plans for the new facility; and, after the plans had been prepared, 43 residents of the subject neighborhood, as well as the Noriega Merchants Association, had submitted signatures in support of the proposed development. The greatest concern of residents of the neighborhood had been parking and noise; and he believed that the plans for the new facility had effectively taken those factors into account. In addition, the plans had respected the backyards of adjacent residential properties.

Mr. Beckman displayed and described site plans and floor plans for the proposed project. He remarked that 33 parking spaces would be provided beneath the building at a cost of approximately \$5,000 per space; and he indicated that provision of additional parking spaces, requiring costly excavations, would entail expenditure of approximately \$10,000 for each additional parking space. Because the Conservatory wished to spend as much money as possible on educational facilities as opposed to parking, it had decided not to propose construction of parking spaces which would cost \$10,000 apiece. The building would be air-conditioned so that none of the windows would have to be opened; and, in addition, the new building would create a sound barrier between the existing conservatory buildings and the adjacent residential properties. In conclusion, he stated that the roof of the new building would have a slope to provide a transition in height between the Conservatory and adjacent residential buildings.

President Newman, noting that both ingress and egress to the proposed garage would be from 19th Avenue, asked if any traffic problems were envisioned. Mr. Beckman doubted that any serious traffic problems would develop since the garage would be most heavily used during the evening hours when traffic on 19th Avenue is relatively light. Yet, if the Commission so desired, the driveways could be placed on 20th Avenue rather than on 19th Avenue.

President Newman asked if the Conservatory had anticipated any sound emanations from the new structure. Mr. Beckman replied in the negative and indicated that the noise from 19th Avenue traffic is a greater problem for the Conservatory than any noise generated by the Conservatory would be for the neighborhood.

Peter Rudolffy, representing the Senior Class of the San Francisco Conservatory of Music, stated that he preferred the existing site of the Conservatory to a Downtown site since the subject neighborhood has less noise. Furthermore, the school is presently isolated from other types of distractions; and he could leave his instrument in vacant rooms without fearing that it would be stolen or damaged.

Cecil Smith, 1932 20th Avenue, read the following statement which had been attached to a petition which had been submitted in opposition to the subject application:

"We understand your agenda includes a public hearing at 3:00 p.m. on Thursday, January 6, 1972, in Room 282, City Hall, concerning another application for expansion of the San Francisco Conservatory of Music; namely, a three-story addition at the rear (after demolition of the house that is now R-1--one family residential).

"In view of personal obligations and/or the inclement weather and health problems, and/or parking violators in our driveways, we may be unable to attend. If it is not possible for us to speak at this meeting may we advise that:

"Generally we feel this expansion will balloon the Conservatory's enrollment, causing a greater trouble with parking violators and related irritations; and would increase the litter and noise problems;

"We believe that there are some tax problems or related irregularities to be duly considered; and we prefer that the block in question on 20th Avenue remains entirely as possible R-1 (one family residential) on the City's zoning records."

After Mrs. Smith had commented at greater length on the finances of the San Francisco Conservatory of Music, President Newman advised her that financing is not normally a concern of the City Planning Commission which is primarily interested in the use of land and the impact of proposed buildings on adjacent neighborhoods. He asked Mrs. Smith if she would still object to the proposed project even if she were convinced that the Conservatory could afford the cost of the project. Mrs. Smith replied in the affirmative.

Francis DuBose, 1915 20th Avenue, stated that he had not signed the petition in opposition to the subject application. Neither did he sign a petition in favor of the application. He stated that the Conservatory had been in operation on the site when he had moved into the neighborhood; and, therefore, he had made an effort not to regard it negatively. He asked what the proposed building addition would do to the value of adjacent property owned by Mr. and Mrs. Smith. Mr. Steele replied that expansion of the Conservatory might increase or decrease the value of the adjacent residential property depending upon the personal attitude of future perspective purchasers of that property to music.

Mr. DuBose stated that he did not feel that it would be desirable to have the driveway to the parking garage located on 20th Avenue because of the detrimental effect which additional traffic would have on the residential quality of the street. While he realized that traffic on 19th Avenue is often quite heavy, particularly during the late afternoon hour, he believed that the driveway to the parking garage should be located on that street. He wondered how effective the 33 parking spaces proposed would be in meeting the needs of the 250 undergraduates at the Conservatory; and, while he realized that the arrival and departure times of the students would be staggered, he felt that he would be better able to evaluate

the sufficiency of the parking spaces if the Conservatory could provide him with a schedule indicating the times when the students with automobiles would be arriving at or leaving the site.

Mr. Beckman stated that he was confident that the parking situation would improve in the neighborhood in the future. He stated that the Conservatory presently has more than 500 preparatory students who come to the site for one hour sessions; and he emphasized that the Conservatory had decided to reduce the number of preparatory students by more than one-half. In addition, a determination had been made that the number of parking spaces to be provided would be more than sufficient to meet the needs of the projected increase in undergraduate student enrollment. As a result of these factors, he was certain that the parking situation would improve. He also advised the Commission that the Conservatory had been extremely concerned about the effect their project might have on the value of adjacent property; and, as a result, everything possible had been done to design the building to enhance the adjacent residential structures. He sincerely hoped that the new building would not have an unfavorable effect on the value of adjacent properties; and he thought that it was possible that the building might, in fact, have a favorable effect on the value of those properties. In conclusion, he acknowledged the seriousness of the parking problem presently being faced by the neighborhood; and he assured the Commission that the Conservatory would do everything possible to improve that situation.

President Newman, noting that Mrs. Smith had expressed a fear that the proposed expansion would "balloon" the Conservatory's enrollment, asked how large an increase in enrollment would result. Mr. Beckman replied that the undergraduate enrollment of the Conservatory would increase from 125 students to 200 or 250 students. At the same time, however, the number of preparatory students would be decreased from five or six hundred to two hundred.

Commissioner Ritchie asked for a comparison of the square footage available in the old and the new buildings. Mr. Beckman replied that the old Conservatory building has approximately 10,000 square feet of floor area. The new building will contain approximately 14,000 square feet of floor area. In reply to a further question raised by Commissioner Ritchie regarding parking, Mr. Beckman stated that no parking spaces are presently available on the site.

Commissioner Ritchie stated that he was in favor of the proposed expansion project; however, he felt that final plans for the facility should be reviewed by the City Planning Commission.

Mr. Steele remarked that the San Francisco Conservatory of Music provides an important educational and cultural service to the residents of San Francisco. He noted that the campus is located on a major thoroughfare and is well served by public transit. The proposed expansion would provide off-street parking and would orient principal access and egress for both automobiles and pedestrians on 19th Avenue. For these reasons, he recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. The conditions read as follows:

- "1. Said authorization shall be for expansion of the San Francisco Conservatory of Music in general conformity with the plans entitled 'San Francisco Conservatory of Music' by Rosekrans and Broder, Inc., architects dated December 1, 1971, submitted with this application and labelled 'Exhibit A', except as modified by the conditions of this Resolution.
- "2. Said building shall be constructed in such a manner that the average sound level within the building will not increase the average background noise level at any given time on any property line of the Conservatory. The plans and specifications for said building shall bear the certification of an acoustical engineer acceptable to the Department of City Planning that said plans and specifications, if followed, will achieve the above required level of sound transmission.
- "3. Said building shall be setback a minimum of 5 feet from the south property line.
- "4. Independently accessible off-street parking for approximately 50 cars shall be provided on the site.
- "5. Final plans for construction of the Conservatory of Music shall be developed in consultation with the Department of City Planning with special attention toward a maximum retention of sound within the buildings and the campus and, toward the provision of off-street parking in an amount sufficient to meet the requirements of this resolution.
- "6. The proposal shall meet all the relevant standards of the City Planning Code or relief from these standards be sought through the normal processes defined in the Code."

Mr. Steele advised the Commission that the City Planning Code would require that a specific number of on-site parking spaces be provided if fixed seating had been indicated for the multi-purpose room in the new building. Based on the number of seats which would be available, approximately 44 parking spaces would have been required; and, since additional staff people would be in the building whenever concerts are given, he felt that a requirement for 50 parking spaces as provided in condition No. 4 of the draft resolution would be reasonable and obtainable.

President Newman asked if the conditions contained in the draft resolution would be acceptable to the applicant. Mr. Beckman replied that the conditions were, for the most part, acceptable; however, he would appreciate an opportunity to give further consideration to Condition Nos. 3 and 4. He believed that the new building had been designed with the best interest of the neighbors in mind; however, if that should prove not to be the case, the Conservatory would be willing to modify its plans to make them compatible with the best interests of neighboring property owners. Under the circumstances, he was reluctant to accept a condition

which would make it mandatory for the Conservatory to provide a 5-foot setback along the south property line for the protection of the neighboring property owners since such a setback would reduce the amount of floor area available in the new building. With regard to parking, he noted that the Conservatory had made an effort to provide as many parking spaces as possible on the site even though off-street parking is not normally required for schools; and he estimated that the additional parking spaces recommended by Mr. Steele would cost approximately \$150,000 to construct.

Commissioner Ritchie, reviewing the preliminary plans which had been made available to the Commission, remarked that the Conservatory should have no difficulty in providing the additional parking spaces beneath the new building; and he did not feel that the 5-foot setback would result in a great loss in floor space. He then moved that the draft resolution be adopted with one modification specifying that final plans for the facility should be brought before the City Planning Commission for review and approval before application is made for a building permit. The motion was seconded by Commissioner Porter.

Commissioner Fleishhacker questioned whether the Commission should be firm in requiring that exactly 50 off-street parking spaces be provided. He remarked that provision of 49 parking spaces might be more feasible and still satisfactory. Mr. Steele replied that Condition No. 4 was worded in such a way that it would enable the Commission to have flexibility regarding the number of parking spaces when final plans are presented for review.

Commissioner Rueda expressed concern about the effect which the driveway from the parking garage would have on traffic congestion on 19th Avenue and wondered if the Commission should specify if the driveway should be located on 20th Avenue. Commissioner Porter felt that the driveway would have a detrimental effect on the residential quality of 20th Avenue if it were to be relocated to that street. Commissioner Ritchie agreed and stated that the driveway would definitely have a detrimental effect on the residential properties on 20th Avenue.

When the question was called, the Commission voted unanimously to adopt Resolution No. 6798 and to approve the application subject to the conditions contained in the draft resolution, as modified.

At 5:30 p.m., President Newman adjourned the meeting in respect to the memory of William A. Proctor.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, January 6, 1972.

The City Planning Commission met pursuant to notice on Thursday, January 6, 1972, at 9:30 a.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; James J. Finn, Mortimer Fleishhacker, Mrs. Charles B. Porter, and Hector E. Rueda, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Samuel Jung, Planner IV; Calvin Malone, Planner III; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

REVIEW OF CAPITAL IMPROVEMENT PROJECTS FOR SIX YEAR PROGRAM FROM 1972-73 THROUGH 1977-78.

Allan B. Jacobs, Director of Planning, initiated the meeting by summarizing the Capital Improvement Program process.

Samuel Jung, Planner IV, described the trend followed by the Board of Supervisors during the past three years in funding projects which had been included in the Capital Improvement Program, noting that most of the Capital Improvement Projects proposed for funding from property and sales taxes are being deferred with priority being given to the Municipal Railway's capital program and to projects in Redevelopment Areas; and, as a result, the six year Capital Improvement Program which had previously been approved by the City Planning Commission had not been effectuated or changed materially. Under the circumstances, only the new projects which had been submitted by the various departments would be called to the attention of the Commission during the present review. In addition to the priority ratings which had been recommended by the staff of the Department of City Planning in the past, certain projects in the new program had been designated as especially essential because of security or safety considerations.

Mr. Jung then reviewed the new projects which had been submitted by the Adult Probation Department, the City Attorney, the City Planning Department, the Civil Service Commission, the Controller, the Disaster Council, the District Attorney, the Fire Department, the Municipal Court, and the Police Department as they appeared on pages D-1 through D-21 of the staff report dated January 6, 1972.

While the staff report had called for a "Desirable" rating for project 131.72.101 which had been submitted by the Disaster Council and Corps calling for construction of an underground emergency operating center at Christmas Tree Point, the Director recommended that the rating be changed to "Hold" pending receipt of

further information regarding the proposed project. After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the rating for that project be changed from "Desirable" to "Hold".

Subsequently, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the projects for the departments which had been reviewed by Mr. Jung be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Jung then reviewed the new projects which had been submitted by the Social Services Commission, the Sheriff, the Superior Court, The Board of Supervisors, and the Juvenile Court as they appeared on pages D-22 through D-32 of the staff report. During the course of his presentation, Commissioner Finn arrived in the meeting room and assumed his seat at the commission table.

President Newman noted that project 186.71.201 for the Juvenile Court on page D-30 of the staff report had been assigned a "Hold" rating even though it had also had an asterisk to indicate that it should be considered as an essential project because of safety considerations. Mr. Jung stated that the project should have been given a "not applicable" rating.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the projects which had been submitted by the Social Services Commission, the Sheriff, the Superior Court, the Board of Supervisors, and the Juvenile Court be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Jung then reviewed the new projects which had been submitted by the Academy of Sciences, the Chief Administrative Officer, the Department of Finance and Records, the Department of Electricity, the Real Estate Department, and the Tax Collector which appeared on pages D-33 through D-39 of the staff report dated January 6, 1972.

Commissioner Finn remarked that the proposed expenditure of \$7,000 for project 213.70.101 seemed to him to be excessive. The project, which had been submitted by the Academy of Sciences, called for preliminary studies of the feasibility of using a partially excavated basement area in North American Hall. After discussion it was moved by Commissioner Finn, seconded by Commissioner Fleishhacker, and carried unanimously that the asterisk assigned to that project to denote its essential nature be removed.

Subsequently, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the projects which had been submitted by the Academy of Sciences, the Chief Administrative Officer, the Department of Finance and Records, the Electricity Department, the Real Estate Department, and the Tax Collector be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified.

Mr. Jung proceeded to review the new projects which had been submitted by the Purchasing Department and the general office of the Department of Public Works as they appeared on pages D-40 through D-44 of the staff report dated January 6, 1972. The Commission spent a considerable amount of time discussing project 423.72.101 on page D-44 of the report. The project, which had been submitted by the general office of the Department of Public Works, called for relocation of an existing sewer on Howard Street between Third and Fourth Streets to Mission Street between Second and Fourth Streets at a cost of \$2,700,000 to be paid from ad valorem sales taxes. The staff reported that relocation of the sewer appeared to be necessitated by plans for the Convention Hall and Parking Garage to be constructed in the Yerba Buena Center Redevelopment Project Area. When the project had first been conceived, it had been hoped that another form of financing could be used; however, no alternate form of financing had materialized. The Commission expressed regret that so much money would have to be spent for relocation of an existing sewer which is apparently in good repair. The Commission also noted that the project had not previously appeared in the Capital Improvement Program and observed that such projects should be included in the program immediately after being formulated.

Subsequently, it was moved by Commissioner Rueda, seconded by Commissioner Finn, and carried unanimously that the projects which had been submitted by the Purchasing Department and the general office of the Department of Public Works be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report. In doing so, however, the Commission expressed reluctance about its approval of the sewer relocation project.

Mr. Jung next described the new projects which had been submitted by the Department of Public Works, the Public Health Department, the Palace of the Legion of Honor, the M. H. DeYoung Museum, the Center of Asian Art and Culture, and the Public Library as they appeared on pages D-45 through D-67 of the staff report dated January 6, 1972. During the course of his presentation, he called attention to a policy statement which had been included on page D-46 of the report indicating that the general priority rating of "Essential" for projects 425.68.301 and 425.65.105, as submitted by the Sanitation Bureau of the Department of Public Works, gave endorsement to the concept of phased reduction of raw sewage discharge into San Francisco Bay. The policy statement continued as follows:

"Alternate solutions to resolve this pollution problem, as described in the Department of Public Works preliminary summary report for waste water management, contain environmental and financial commitments of such magnitude that the City Planning Commission withholds further consideration of these projects until the staff of this Department has had an opportunity to study the said report, in collaboration with the Department of Public Works, and then to present its analysis to this Commission for further review."

After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the projects which had been submitted by the Sanitation Bureau of the Department of Public Works, the Public Health Department, the Palace of the Legion of Honor, the M. H. DeYoung Museum, the Center of Asian Art and Culture, and the Public Library be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Calvin Malone, Planner III, described the new projects which had been submitted by the Recreation and Park Department and various bureaus of the Department of Public Works including Major Thoroughfares and Pavement Reconstruction, Traffic Signals and Channelization, Street Lighting, Landscaping and Irrigation, and Miscellaneous. Those projects appeared on pages D-68 through D-111 of the staff report dated January 6, 1972.

After discussion, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the projects which had just been reviewed by Mr. Malone be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

Mr. Malone proceeded to describe the new projects which had been submitted by the War Memorial Trustees and the San Francisco Museum of Art, the Airports Commission, and the Municipal Railway as they appeared on pages D-112 through D-120 of the staff report dated January 6, 1972.

After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that an asterisk be added to Project 692.67.101 calling for replacement and relocation of a sidewalk elevator in the Veterans Building for the San Francisco Museum of Art to indicate that the project should be given preferential treatment because of safety reasons.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the projects for the War Memorial Trustees and the San Francisco Museum of Art, the Airports Commission and the Municipal Railway be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report, as modified. President Newman was absent from the meeting room when the vote was taken.

Mr. Malone then proceeded to describe the new projects which had been submitted by the Water Department, the Hetch Hetchy System, and the Port Commission as they appeared on pages D-121 through D-138 of the staff report dated January 6, 1972. After discussion, it was moved by Commissioner Finn, seconded by Commissioner Porter, and carried unanimously that the project submitted by those departments be approved as in conformity with the Master Plan subject to the recommendations and notes contained in the staff report.

The meeting was adjourned at 11:50 A.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 13, 1972.

The City Planning Commission met pursuant to notice on Thursday, January 13, 1972, at 1:15 p.m. in Room 282, City Hall.

PRESENT: Walter S. Newman, President; James J. Finn, Mortimer Fleishhacker, Thomas G. Miller, Mrs. Charles B. Porter, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director of Planning - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); DeWayne Guyer, Planner II; Alan Lubliner, Planner II (Zoning); and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle. Several television stations were represented, also.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meetings of November 18 and December 16, 1971, be approved as submitted.

At this point in the proceedings, Commissioner Finn and Ritchie arrived in the meeting room and assumed their seats at the Commission table.

At 1:20 p.m. President Newman announced a recess to enable the Commission and members of the audience to move to the Chambers of the Board of Supervisors. The meeting was reconvened at 1:40 p.m.

Discretionary Review of Alternate Plans Filed Under Building Permit Application No. 398946 For An Apartment Building At 1150 Lombard Street, Between Hyde And Larkin Streets.

(Postponed from meeting of November 18, 1971)

Robert Passmore, Planner V -(Zoning) reported on this matter as follows:

"Alternate plans for the development of the vacant, double frontage, 50,004 square foot, R-5 zoned subject property were filed on January 11, 1972 for consideration by the City Planning Commission under its power of discretionary review on January 13, 1972. These plans replace plans disapproved by the Commission on August 12, 1971, and described in the staff analysis memorandum of August 6. Additionally, these plans due to slight adjustments of building heights are a modification of plans filed on November 9, 1971 for review by the Commission on November 18, 1971, which

JANUARY 13, 1972

review was postponed to January 13, 1972 at the request of the applicant to allow the applicant time to study the staff analysis expressed in the November 17, 1971 memorandum and to confer with Department staff and residents of the subject Russian Hill neighborhood.

"History of the Project

"The Building Application under review was filed on July 7, 1971, by the William C. Haas Company of Kansas City as developers, with the concurrence of the American Savings and Loan Association as owner of the land. Knorr-Elliott and Associates are the architects.

"The July proposal was for 280 units of luxury housing, in a single building along Lombard Street 342 feet in height and 170 feet in length, with 340 parking spaces in a garage predominantly above grade and extending to Chestnut Street. Both at the request of the Russian Hill Improvement Association and on the Commission's own initiative, the Building Application was brought before the Commission for discretionary review.

"In its analysis memorandum, the Department staff indicated the serious deficiencies in the scheme submitted: principally that its east-west plan dimension and diagonal plan dimension greatly exceeded the guidelines of the Urban Design Plan; that its height was excessive and when combined with the bulk produced a massive structure out of character with all other buildings on Russian Hill and having an adverse effect upon the skyline and the surrounding area; that the end walls would be without windows; that there would be serious shadow and wind effects; and that the large garage would be hostile to Chestnut Street and to nearby residences. The scheme fell far short of meeting the objectives of the Urban Design Plan or achieving compatibility with the Russian Hill neighborhood.

"In its unanimous vote to adopt Resolution No. 6743, disapproving the Building Application, the Commission concluded that 'the proposed building would have a massive impact and extraordinarily detrimental effect upon the city as a whole, and upon the residents and property of the Russian Hill neighborhood.'

"Disapproval by the Commission was appealed to the Board of Permit Appeals, which held several hearings without reaching a decision, and on October 15 the plans under consideration were withdrawn by the applicant with the understanding that other plans could be substituted for a new review by the City Planning Commission. The City Attorney had ruled that such a substitution was permissible under the Building Code, without the filing of a new application. On October 15, temporary plans were filed for a scheme with two towers, each approximately 300 feet in height. On November 9, new plans were again filed, for the scheme now being brought before the Commission.

"During the period since the postponement of Commission review on November 18, 1971 Department staff members have met with the developer or his architects on four occasions, December 10, 17, and 22 and January 11, and have conferred by phone on three additional occasions.

"During this time the developer has expressed inability to comply with the urban design terms of reference recommended by the staff in October 1971, copy attached, and continues to propose a development similar to that described in the November 17, 1971 memorandum. On December 2, 1971 the Commission disapproved a proposal filed by an owner of property adjacent to the subject site to reclassify the R-5 zoned area on the northern portion of Russian Hill, including the subject site, to R-3 and the recommendation of the Director of Planning to reclassify the same area to R-4. Although voting to retain the R-5 classification, several Commissioners expressed the opinion that overly intensive development could occur under the regulations of the City Planning Code for an R-5 district but could be controlled under the discretionary review powers of the Commission, with particular reference to the policies of the recently adopted urban design element of the Master Plan and interim height and bulk controls applicable to Russian Hill.

"The Current Proposal

"In the scheme now presented to the Commission, the developers propose two towers, one at the southwest corner of the site on Lombard Street and the other at the northeast corner on Chestnut Street. Each tower, including bay windows, would be basically 99.83 feet wide by 73.33 feet deep, with a diagonal plan dimension of 118 feet 6 inches. A slightly greater tower width and depth of up to 1.5 feet may occur depending on the sculptural treatment of the exterior of the towers.

"The tower on Lombard Street is 37 stories and 355.38 feet high, while the tower on Chestnut Street is 25 stories and 235.42 feet high. Since both heights are taken from Lombard Street, as provided for under the height measurement procedures of the City Planning Code, an additional 39.5 feet must be added to determine the height of the Chestnut Street building above Chestnut.

"The two towers would have exteriors of molded concrete of light color. They would be set apart 109.33 feet on the site and would each have six units of high income housing per floor for a total of 376 units plus three management units. There would be approximately 476 parking spaces in the garage, with access from both Lombard and Chestnut Streets. Excluding projecting two foot bays the Lombard St. tower would be set back from the Lombard Street property line seven feet, and the Chestnut Street tower would be set back from the Chestnut Street property line 20 feet; excluding bays, each tower is set back from its adjacent side property line a minimum of four feet.

"Staff has calculated the gross floor area of the development as approximately 460,440 square feet resulting in a floor area ratio of 9.2:1.

"Criteria for Review

"The City Planning Commission is not limited in the scope of its review, or in the criteria it may apply, by the fact that the scheme now before it has been filed as an amendment to the Building Application originally filed in June. The status of the scheme as an amendment does have one important effect in giving the Commission jurisdiction in the case; if the Building Application were being newly filed today, it could not be considered by the Department or the Commission due to the fact that one proposed tower exceeds the absolute limit of 300 feet of height now in effect; this limit for Commission review was imposed by the interim height and bulk controls adopted August 26.

"The extent of the Commission's discretionary review power is extremely broad. The power goes beyond existing zoning restrictions when those restrictions are deemed inadequate and the effects of the proposed development would be exceptionally great. The power has been exercised in the past when a building proposal would have had an extraordinary impact upon the fragile make-up of the city and its neighborhoods.

"In Section 101, the City Planning Code states its purposes to guide, control and regulate future growth and development in accordance with the Master Plan; to protect the character and stability of residential, commercial and industrial areas; to provide adequate light, air, privacy and convenience of access to property; to prevent overcrowding the land and undue congestion of population; and to obviate dangers from traffic. In Section 103 of the Code it is stated that in their interpretation and application the provisions of the City Planning Code shall be held to be minimum requirements. It is within the power of the Commission, through exercise of discretionary review, to determine whether the purposes of the Code are met by the Code standards as applied in a specific case.

"The Urban Design Plan, adopted in August as part of the Master Plan, establishes a prevailing height of 40 feet for Russian Hill, with taller buildings to be permitted only as scattered point towers and only after specific review. This treatment of point towers as an exception to the prevailing rule recognizes Russian Hill as an 'outstanding and unique' area of San Francisco, characterized by 'a harmonious, balanced relationship of low, small-scale older buildings and tall, slender towers.' In order to provide for the best possible development and protect this irreplaceable asset of San Francisco, the Urban Design Plan places heavy emphasis upon the process of review and upon the cooperative efforts of developers, the Department staff and neighborhood organizations. In addition, the policies of the Plan emphasize the importance of special

review for large sites everywhere in the city, and many statements in the Plan relate to the problems of traffic in residential areas and the fitting in or new development with the character of each area. These aspects of the Plan are especially important on Russian Hill.

"With this background, it seems especially inappropriate that any developer should approach the Department, the Commission and the neighborhood urging that a certain building scheme must be approved because it is felt by the developer to be consistent with some aspects of the Urban Design Plan and non inconsistent with others. Such an approach ignores the fact that without Commission review the height limit for Russian Hill under the Plan is 40 feet, and it also overlooks the heavy reliance of the Plan upon orderly planning and review processes as a means of resolving development issues and achieving community agreement.

"Last April, before the Urban Design Plan was published in its final form, the Department staff developed urban design terms of reference for this site in response to the requests of several other developers. The developers who filed this application did not request or receive the terms of reference at that time. These terms of reference, which are appended to the August 6 staff analysis memorandum, emphasized the bulk limitations, the preferability of a single slender tower, a maximum height of about 300 feet, and the need for compatibility of lower elements in building form, landscaping and treatment of parking.

"On August 26, interim height and bulk controls were put into effect for the whole city. As to Russian Hill, the controls established a height limit of 40 feet, with a greater height possible in point towers after Commission review, and with the permitted height to be established by the Commission in each case up to an absolute maximum of 300 feet. The outline of interim controls adopted with the Commission's resolution has the following criteria:

"The review by the Planning Commission for proposed point towers in the B-3 District on Russian Hill shall take into account the principles and policies of the Urban Design Plan, and especially the following:

- '1. A balanced relationship of the proposed height to that of other buildings and to the topography of the hill;
- '2. Conformity to the specified bulk controls;
- '3. Maintenance of a high ratio of height to width;
- '4. Use of less than the maximum permitted floor area ratio;
- '5. Significant spacing of towers on the hill;
- '6. Respect for the scale of design of nearby buildings;
- '7. Maintenance of sunlight to other properties; and
- '8. Other relevant criteria, such as preservation of natural features, protection of views, color, materials, accessibility, adequacy of off-street parking, and effect upon street facades.'

"Elsewhere, the outline requires that the Commission consider the specific height proposed 'in relation to topography, skyline, views, land uses, other height limits and height control ranges in the area, and the scale and character of existing development.' Because the subject Building Application was filed prior to August 26, the Commission is not directly considering it under the above criteria, but that does not make these criteria any less appropriate to the case.

"After the earlier plans had been before the Board of Permit Appeals for some time, and pursuant to discussions of the Department staff with the developers and the neighborhood, the Department established more refined urban design terms of reference for guidance in the review of alternate development schemes. These terms of reference were discussed in several meetings and were compiled and given to the developers on October 8. Though generally in accordance with the April terms of reference, these more recent terms of reference took into account the strong concerns expressed in hearings and meetings as to building intensity in terms of height, floor area and number of dwelling units. A development of R-4 density and floor area was recommended, with a single tower 250 feet in height, significant setbacks from all property lines and sensitive treatment of the lower part of the structure to make it harmonious with the surrounding area. The October terms of reference are appended to this memorandum."

J. Ronald Pengilly, attorney for the applicant, stated that Mr. Passmore of the staff of the Department of City Planning had appeared at the hearing held by the Board of Permit Appeals to request that the original application be withdrawn from that Board's jurisdiction and that the project be redesigned in conformance with the Urban Design Plan and resubmitted to the City Planning Commission for review; and he indicated that the applicant had followed that procedure. The new plans called for construction of two towers on the site, one having 37 stories and the other having 25 stories; and he hoped that the presentation which would be made on behalf of the applicant would convince the Commission that the plans should be approved.

William C. Haas, the applicant, reviewed the history of the proposed project which was initiated in February, 1971, stressing that the Commission had acted to disapprove the original plans before it had approved adoption of the Urban Design Plan and enactment of interim height limits ranging between 40 feet and 300 feet for the subject site. He also noted that an application for reclassification of the property had subsequently been filed and denied by the Commission. After the original plans had been withdrawn from the Board of Permit Appeals, meetings had been held with both the staff of the Department of City Planning and with representatives of the Russian Hill Improvement Association to determine what changes in the plans were desired. The Russian Hill Association provided excerpts from the Urban Design Plan underlined in yellow and suggested that the revised plans should meet those criteria; and the staff of the Department of City Planning presented a new set of Urban Design terms of reference for the site. On October 6 a meeting had been held with Mayor Alioto and the Director of Planning; and, at

that time, the Director of Planning had presented new guidelines calling for construction of a single tower on the site and for provision of one and one-half parking spaces for each dwelling unit. When the revised plans were scheduled for consideration by the Commission on November 18, 1971, he had been confronted with a six and one-half page report by the Department of City Planning which he had not previously had an opportunity to peruse; and, as a result, he had requested that the scheduled hearing be postponed. Since that time, he and his associates had continued to try to work out the problems to which the staff of the Department of City Planning and the Russian Hill Improvement Association had reacted; yet, while a request had been made 48 hours in advance for a meeting with the staff of the Department of City Planning, only 25 minutes had been made available for the meeting. The position of the Russian Hill Improvement Association was that the plans would not be acceptable unless the project were to be reduced to conform to R-4 zoning standards; and he did not feel that such a project would be economically feasible. In conclusion, he objected to the attitude which had been expressed in a notice posted on telephone poles in the subject neighborhood urging people to attend the present hearing.

William Knorr, architect for the applicant, described renderings and a plot plan of the proposed project, noting that the two towers would be located approximately 109 feet apart and that approximately 36,000 square feet of open space would be provided on the site. He displayed a typical floor plan containing six apartment units and indicated that the apartments would range in size from 680 square feet for studio apartments to 1444 square feet for two bedroom apartments. As an architect, he felt that the plans conformed in all respects to zoning laws and to the new Urban Design Plan.

Commissioner Fleishhacker asked how many people might be accommodated in the buildings if they were fully occupied. Mr. Knorr replied that each of the 379 units might accommodate two residents for a total of 758 people.

Commissioner Ritchie asked how far the Chestnut Street tower would be set back from the street and how many square feet are available on the entire site. Mr. Knorr replied that the Chestnut Street tower would be set back 20 feet from the street; and he indicated that the site contained a total of 50,000 square feet.

Mr. Haas stated that he and his associates had discussed an alternate scheme which they felt would be viable and economically feasible.

Commissioner Ritchie asked that the alternate scheme be described.

President Newman emphasized that the meeting had been scheduled to consider plans which had already been submitted.

Mr. Haas remarked that the City's requirements for the project had changed constantly; and he felt that the Commission, as a matter of fairness, should at least look at the alternate scheme. He then displayed a rendering of his new proposal in which six floors had been removed from the Lombard Street tower. He stated that the project as now conceived would contain a maximum of three hundred

and forty-three dwelling units and that both buildings would fall within the 300-foot height limit which had been recommended by the staff of the Department of City Planning.

Commissioner Ritchie, after verifying that the applicant would be willing to reduce the height of the Lombard Street tower to a height of approximately 300 feet and to reduce the total number of dwelling units from 379 to 343 including 3 service personnel units, asked if it would be possible for the applicant to subdivide the property into four separate lots of 12,500 square feet and to construct thirteen or fourteen story buildings containing 100 units on the individual parcels of property. One of Mr. Knorr's associates replied that no effort had been made to prepare such plans; however, he believed that the alternative mentioned by Commissioner Ritchie would be feasible under the terms of the City Planning Code. However, since such an approach would result in total coverage of the site with wall to wall buildings, he felt that the project proposed by the applicant would be a far preferable use of the site.

Mr. Pengilly stated that a great deal of time has been spent on preparation of plans for the proposed project; and he believed that most of the objections to the project had arisen because of the size of the site which is larger than a football field. Personally, he felt that the proposed development, as large as it might be, would actually constitute an underdevelopment of the site in terms of laws which are presently in existence. He emphasized that a maximum separation had been provided between the two towers; and, in placing the shorter of the two towers lower on the hill, the architect had done his best to emulate the drawings contained on page 80 and page 57 of the Urban Design Plan. He felt that the revised plans were in compliance with the Urban Design Plan and with the interim height and bulk guidelines which had been established by the Commission on August 26, even though the City Attorney had ruled that the applicant would not have to comply with either of those requirements. However, in meeting the standards established by the Urban Design Plan and the Height and Bulk guidelines, the applicant hoped to win the support of the Commission for the project. In conclusion, he stated that the applicant had been advised that he would probably be sued if his plans are approved by the Commission; but he was confident that they would prevail in any law suit which might be filed since the plans complied with all existing laws and had not even reached the maximum limits allowed by those laws. He stated that the applicant had done his best to meet every constructive suggestion which had been made regarding the project; and he hoped that the plans would be approved by the Commission.

Commissioner Ritchie stated that he had previously asked the applicant to make a sincere and active effort to get together with the staff of the Department of City Planning and to comply with their suggestions; and he wondered if the applicant had followed that suggestion. Mr. Pengilly replied in the affirmative and indicated that he believed that Mr. Passmore would confirm his statement.

Mr. Passmore confirmed that the staff had met on a number of occasions with the applicant's representatives; however, he had no way of judging their sincerity.

Commissioner Ritchie then asked Mr. Pengilly if he believed that the applicant had complied with the City Planning Code in every respect. Mr. Pengilly replied in the affirmative. In replying to further questions raised by Commissioner Ritchie, Mr. Pengilly stated that he believed that the applicant had complied in every respect with the Urban Design Plan and that the applicant had made a sincere and active effort to meet with community groups and to satisfy their concerns.

Commissioner Fleishhacker remarked that Commissioner Ritchie seemed to be building a case for the applicant; and he did not feel that the meeting should be conducted in such a fashion.

Edward Lawson, representing the San Francisco Chamber of Commerce, stated that members of his organization felt that the revised plans did conform to the Urban Design Plan and that they should be approved.

Daniel F. DelCarlo, representing the San Francisco Building and Construction Trades Council with a total membership of 20,000 people, stated that his organization had endorsed the Urban Design Plan as a positive act by the City Planning Commission to stimulate progress in San Francisco. He remarked that too many people are prone to set their own standards for new developments, disregarding what would benefit organized labor or the City as a whole; and, as a result, project after project had been stalled or stopped. The City already has a 7% unemployment rate; and new construction projects are needed to prevent further increases in unemployment. He felt that the proposed project would be an attractive landmark for the Russian Hill Neighborhood; and, in addition, the initial investment to be made by the developer, as well as subsequent tax revenues, would be advantageous to the entire City. He emphasized the importance of creating new employment in the City; however, if codes and plans continue to be subject to unpredictable changes, taking away the developers right to know what they can and cannot do, he felt that the time would come when nothing would be built in San Francisco. He urged that the plans which had been submitted by the applicant be approved.

Michael McCormac read and submitted the following statement which had been prepared by Milton I. Mack, President of the San Francisco Real Estate Board:

"The San Francisco Real Estate Board recently adopted the following policy position with regard to real estate development in the City and County of San Francisco under the control of the Urban Design Plan.

"Several instances have been brought to the attention of our Board wherein developers are uncertain of the requirements of the City and County of San Francisco in developing real property. Our industry feels that the recently adopted Urban Design Plan as it is currently being interpreted is sufficiently restrictive to preserve the aesthetic values of our City and reasonable enough, if properly administered, to allow economic development to continue.

"Our primary concerns are the possible indiscriminate use of 'Discretionary Review' and the misuse of this authority as a means of arbitrarily expanding existing requirements. Therefore, in order to maintain orderly growth, a healthy climate for our City's development and to eliminate any possible credibility gap in our City's zoning requirements, we urge the following:

" . . . that all development which meets criteria as set forth by the Urban Design Plan as well as our current Planning Codes be approved by our Planning Commission and that 'Discretionary Review' not be used as an instrument to deny that which conforms to all other restrictions."

Lloyd D. Hanford, 47 Kearny Street, stated that he was interested in the economic development of the City; and he objected to the pressures of certain selfish groups who wished to preserve private areas for their own use and, in so doing, spend money to violate laws. He stated that the City does have zoning laws; and he believed that the plans which had been submitted comply with those laws. Therefore, he urged that the plans be approved.

Dr. Frank Hinman, President of the Russian Hill Improvement Association, stated that the members of his organization took the position that if the revised plans for the project could be considered to be in conformity with the Urban Design Plan whereas the original building would not conform with the Urban Design Plan, then the Urban Design Plan is in error and is being misinterpreted. The two towers now being proposed would have a greater density than the original project; and, when viewed from most angles, would appear as a solid building block. While the applicant may have conformed to the guidelines for height and bulk of buildings indicated on pages 93 and 95 of the Urban Design Plan, the Urban Design Plan consists of much more than those guidelines; and he believed that the proposed project failed to conform to any other policies which had been outlined in the Urban Design Plan. Since no transition would be provided between the existing small scale buildings and the proposed towers, the project would have a damaging impact on the neighborhood. Furthermore, the plans had failed to recognize or consider the fact that Russian Hill is an outstanding and unique area in the City. A policy on page 88 of the Urban Design Plan specifies that tall, slender building should be constructed on the crown of a hill to emphasize the form of the hill and preserve views; and he did not feel that construction of two towers on a single lot would meet that criteria. Dr. Hinman stated that the members of his association are in favor of development; and they felt that the subject site could be developed at a profit without having a detrimental effect on the neighborhood. However, they felt that the revised plans which had been submitted by the applicant would have as much harmful effect on the neighborhood as the original project which had been disapproved by the Commission; and, since they were of the opinion that the revised plans did not conform to the Urban Design Plan, they urged that the plans be disapproved by the Commission.

Commissioner Porter asked the Director if he considered the revised plans to be in conformity with the Urban Design Plan. After the Director had replied that he had intended to present his findings at the conclusion of the hearing, Commissioner Porter withdrew her question.

Mrs. Oscar Sutro, 2345 Hyde Street, remarked that construction of the 379 dwelling units being proposed would more than double the number of units presently existing on the top of Russian Hill. In addition, the proposed project would add at least 500 additional automobiles to traffic in the area during the morning and the evening peak hours. Although the Department of Public Works had taken a traffic survey in the area and had expressed the opinion that the additional automobiles would not oversaturate the streets, residents of the area who know the area well were convinced that traffic congestion would become a major problem if the new buildings were to be constructed. Because of cable car and tourist traffic in the area, the streets are already congested; and, in addition to the added congestion which would be generated by residents of the new building, the project would bring visitors, delivery trucks, janitors, cleaning ladies, laundry trucks, and other traffic to the area. Already, tourists and students of the San Francisco Art Institute park in the neighborhood; and she did not believe that the neighborhood could absorb the parking demands which would be generated by the new buildings.

James Mallot, also representing the Russian Hill Improvement Association, felt that the real issues under consideration involved the interests of people now and in the future vs. relatively short term economic gains for the developer. He stated that people who live in low-rise buildings ultimately suffer the consequences when new high-rise buildings are constructed; and, as a result, people living in low-rise buildings remain in constant fear of becoming "light-wells" for large apartment towers. Using renderings which had been prepared both by himself and by the applicant, Mr. Mallot described the various revisions which had been made in the proposed development and discussed the effect which the various schemes would have on the neighborhood. He noted that the plans now under consideration would provide no transition from the small scale buildings now in existence to the proposed towers; and he emphasized that the 379 dwelling units being proposed would exceed the number of units presently existing on the top of the Hill including the units contained in 1000, 1080, and 1090 Chestnut Street. He then displayed renderings showing how the proposed towers would appear from various vantage points, emphasizing that one of the towers would be higher than the Bank of America Building. Mr. Mallot next displayed and described a chart which he had prepared to reflect the changes which had taken place in plans for the project. Whereas the City Planning Code would allow a maximum of 400 dwelling units on the site, and whereas the staff of the Department of City Planning had recommended that a limit of 250 dwelling units be established for the site, the original plans which had been prepared for the applicant had called for 280 dwelling units. In the revised plans, the number of dwelling units had been increased to 379, thus approaching the maximum allowable under the City Planning Code. While the staff of the Department of City Planning had recommended that 375 parking spaces be provided on the site, the applicant's original proposal had called for only 340 parking spaces;

and, although the number of parking spaces had been increased to 476 in the revised plans, the number of units had been increased, also. Even though an interim height limit of 300 feet had been established for the site, the staff of the Department of City Planning had expressed a preference for a maximum height of 250 feet. The Russian Hill Association had taken the position that no building higher than 200 feet should be allowed on the site. The first scheme proposed by the applicant had called for a single building with a height of 342 feet; and the revised plans called for two towers having heights of approximately 250 feet and 350 feet, respectively. When viewed from certain angles, the two towers now being proposed would appear as a single structure with a width greater than that of the building which had originally been disapproved by the Commission. While the staff of the Department of City Planning had recommended a floor area ratio of 5.0 to 1, the project had increased in size from a floor area ratio of 7.6 to 1 to a floor area ratio of 9.2 to 1 in the plans presently under consideration. Mr. Mallot felt that the figures which he had cited indicated that the applicant had attempted to maximize the project in all respects; and he did not feel that the project proposed would be harmonious with the character of the existing neighborhood. He stated that the members of the Russian Hill Association were not opposed to development, jobs, or taxes; but they did feel that land should be developed in such a way as to create a livable environment for future generations.

Charles LaFollette, also representing the Russian Hill Improvement Association, stated that his organization had hoped that a compromise would be reached where the project would meet the criteria of the Urban Design Plan, would include a minimum number of dwelling units, would be composed of a single tower of high quality design with townhouses at its base, and would provide a fair economic return for the developer. He felt that all of those conditions could be met by an alternate proposal which would consist of a single 250-foot height tower with dimensions of 85 feet x 110 feet which would contain 200 dwelling units in addition to two rows of townhouses, approximately 50 in number, providing a total of 250 dwelling units on the site. Using economic data on occupancy rates, loan rates, etc., which had been provided by the developer, Mr. LaFollette was convinced that such a project would provide a fair economic return; and he stated that the developer had not expressed any basic disagreement with the analysis when it had been presented to him but had requested time to study the analysis in greater depth.

Matthew B. Weinberg, Attorney for the Russian Hill Improvement Association, believed that the City Planning Commission had disapproved the original plans which had been filed by the applicant because the building then proposed would have violated the guidelines contained in the Urban Design Plan and because it would have had too great an impact on the environment of the neighborhood. Yet, the plans which were now under consideration would result in construction of a much larger project. Although the developer had given "lip service" to an attempt to comply with the Urban Design Plan, he had actually seemed to rely more heavily on the opinion which had been obtained from the City Attorney stating that the project would not have to comply with the Urban Design Plan since the original application was filed before the plan was adopted by the Commission; but Mr. Weinberg felt that it would be a *reductio ad absurdum* to allow applicants to continue to modify their

applications to skirt any changes which might be made in zoning, plans, or the City Planning Code without being required to file a completely new application. Mr. Weinberg was of the opinion that the plans presently under consideration were in violation of the Urban Design Plan and the City Planning Code; and he believed that the applicant was well aware of those circumstances. Furthermore, if the Commission were prepared to accept the revised plans as a legal modification of the original application which had been filed on July 7, 1971, he felt that the Commission should be aware that neither Mr. Haas nor the American Savings and Loan Company were listed as the legal owners at that time. He remarked that the project was opposed by all of the surrounding property owners, by the Chamber of Commerce, SPUR, the Telegraph Hill Dwellers, and many other organizations and individuals; and he felt that the Commission should take action to disapprove the application. While the members of his organization realized the need for new development in the City, they did not feel that their neighborhood should be caused to suffer for the benefit of a syndicate speculator.

Mr. Weinberg remarked that the sketches of the twin towers scheme which had been submitted by the applicant showed only one of the towers clearly while the other tower was extremely light in color; and he felt that the purpose of that approach had been to make it seem to the viewer that the project now being proposed was only one half as large as the project which had originally been disapproved by the Commission. In addition to being in conflict with the Urban Design Plan, Mr. Weinberg believed that the proposed project would also be in violation of the City Planning Code. He noted that the applicant had previously stated that his project would cover only 27% of the site whereas 75% coverage would be allowed by the City Planning Code; but he had not taken the garage structure into account. Section 125 of the City Planning Code provides that "no building in an "R" District, other than a public building in conformity with the Master Plan, shall be constructed or enlarged so as to cover a greater percentage of the area of the lot" than 75% for interior lots located in an R-5 District. Whereas the same section of the City Planning Code provides that garage structures shall be excluded from the calculation of coverage in an R-5 district under certain circumstances, the garage structure proposed by the applicant would not qualify for such exclusion because it is an independent four-story building. Furthermore, the garage would violate the Urban Design Plan because it would have a height of 45 feet on Chestnut Street facing a row of lower townhouses. The project would also violate the Urban Design Plan by involving construction of a building with 37 stories whereas the Urban Design Plan recommends that towers should be kept within the range of 13 to 30 stories. In any case, he, also, emphasized that the Urban Design consists of much more than height and bulk regulations; and he felt that in many respects the plans now under consideration failed to conform to the guidelines contained in the Urban Design Plan.

Mr. Weinberg called attention to the fact that a petition had been submitted with approximately 568 signatures in opposition to the original project; and he felt that the petition should give the Commission some idea of the feeling which had been generated in the community by the proposed development; and, as stated in the petition, they did not feel that approval of the plans would respect the quality of Russian Hill as one of the five "outstanding and unique areas" mentioned in the

Urban Design Plan. One of the members of the Commission had asked earlier in the meeting whether the applicant had worked with representatives of the neighborhood in a sincere effort to resolve disagreements regarding the project; and Mr. Weinberg indicated, in response, that the residents of the neighborhood felt that they had been almost totally ignored. The applicant had requested that the hearing scheduled for November 18 be postponed so that he would have a further opportunity to work with residents of the neighborhood and the staff of the Department of City Planning to make modifications in the plans. Yet, the Russian Hill Improvement Association had not been contacted by the applicant until January 7, 1972. At that time, the applicant had announced that he had not been able to meet the guidelines which had been established by the staff of the Department of City Planning and that no other approach other than the one which he was proposing would be feasible. Members of the Russian Hill Association had offered to demonstrate that their alternate proposal for the site would be economically feasible; but they had not been able to convince the applicant to change his mind. Under the circumstances, while the applicant had kept his promise to meet with representatives of the Russian Hill Improvement Association, Mr. Weinberg could not sincerely state that those meetings had been held in good faith. He believed that the project proposed would be unsafe and unsound for Russian Hill; and he believed that disapproval of the application by the Commission would provide an opportunity for residents of the neighborhood to work further with the developer in an attempt to arrive at a sound plan for the site. In conclusion, he stated that the only increase in jobs which would result from construction of the project proposed by the applicant rather than the project proposed by the Russian Hill Dwellers would be an extra doorman to serve the second tower which the applicant proposed to construct.

Henry I. Prien, 2140 Pacific Avenue, believed that the opposing positions being taken by the Russian Hill Improvement Association and the applicant were reconcilable. He noted that other building plans had been drawn for the subject site in the past, one of which called for construction of townhouses on the site with a total of 90 dwelling units. That proposal, presented two years ago, had been considered to be economically feasible at the time; and, while he realized that the economic situation may have changed during the interim, he did not believe that the changes had been great enough to necessitate the construction of 379 units on the site at the present time. In view of the fact that the Commission had already disapproved a proposal submitted by the applicant which would have resulted in lesser density on the site than was now under consideration, he did not see how the Commission could approve the present plans. By way of compromise, he proposed that the plans should be modified by deletion of one of the towers; and, in order to provide variety for the tenants, he felt that townhouses might be constructed around the perimeter of the remaining tower.

Gina Zimmerman read and submitted the following statement which had been prepared by Assemblyman John L. Burton:

""At this seventh public hearing regarding plans for Kansas City Developer William Haas to put 379 apartment units on the 1150 Lombard Street site, I wish to strongly urge disapproval of this project.

"Mr. Allan Jacobs pointed out in his November 17th report to the Planning Commission that in many respects the present scheme is as deficient as the earlier scheme, especially the height and density factors. It is my understanding from the Department of City Planning that this is still the case today. I share the staff's opinion that the very limited improvements offered in the present scheme are by no means sufficient to balance its many deficiencies.

"The staff of the Department of City Planning has spent a good deal of time and effort to formulate guidelines for development of this property in order that any proposed structure would complement the neighborhood and the city. Moreover, the current high property value of the Russian Hill neighborhood is in large part due to the planned development of that area, and any development on this site should respect that prior development.

"The fact that scores of people from the Russian Hill area have come to this Commission seven times to voice their strong opposition to this plan makes it clear where the community stands. I stand with them in their opposition to this plan. I hope that the City Planning Commission would be responsive to their legitimate demands and disapprove this application in view of a project more in accord with present community developments."

John Jacobs, Executive Director of the San Francisco Planning and Urban Renewal Association, expressed his strong support for the Urban Design Plan. He remarked, however, that the maximum allowances of the Design Plan had been adopted by the developer as minimum standards. Under the circumstances, he felt that the community should rely on experts in the Department of City Planning to interpret the application of the Urban Design Plan to the subject site. In his own mind, he was certain that the plans which had been submitted by the applicant did not conform to all of the guidelines contained in the Urban Design Plan.

Mr. Weinberg read and submitted a letter which had been prepared by William Train, President of the Marina Civic Improvement and Property Owners Association as follows:

"This Association has on previous occasions gone on record as being unalterably opposed to high-rise buildings in the northern sector of our waterfront, and we do now support the Russian Hill Improvement Assn. views that the proposed high-rise apartment buildings on the Russian Hill are not in conformity with the existing dwellings on that Hill.

"There is also a moral issue involved. The citizens who built on that Hill certainly did not anticipate the wild ambitions of a mid-western Savings & Loan Co. who, not as pioneers to build there, but on a Hill already built with homes and apartments where views were of value to their properties. These skyscrapers will (1) block their views and (2) will, more seriously cause a traffic problem which will destroy property values.

"We urge you as responsible guardians of our City's future, to retain and preserve all that made our City so world-renown -- the vista of our beautiful Bay from the hills and waterfront."

Charles N. Fulcher, representing the Lombard Hill Improvement Association, advised the Commission that the intersection of Lombard and Hyde Streets is one of the most dangerous traffic areas in the City because of the limited movability of the cable cars and because of the large number of tourists frequenting the area. He stated that his association, which had been organized to take care of the flowers on the curving portion on Lombard Street, had requested that a traffic count be taken on the street; and the survey, which had been made in August, 1971, had indicated that 3,300 cars had traveled down the hill between midnight on Saturday night and midnight on Sunday. If the project proposed by the applicant were to be constructed, he did not understand how traffic in the area would be controlled, especially on weekends, unless a policeman were to be stationed at the top of the Lombard Street hill.

Charles Starbuck, 1625 Leavenworth, represented San Francisco opposition, a committee concerned with highrise development. He informed the Commission that the highrise initiative which had appeared on the November ballot had been rewritten for the June ballot; and he indicated that the new initiative would call for a height limit of 40 feet on the subject property.

Mrs. James Wiley, representing San Francisco Beautiful and the California Roadside Council, thought that there was no real threat that the subject property would be subdivided and developed with four twelve- or fourteen-story buildings since such a development, with eight facades facing each other, would not be economically feasible. She then proceeded to read and submit the following prepared statement:

"I have sat silently through hearing after hearing on this matter and the time has now come for me to speak up in support of my neighbors and in defense of my home and source of income to urge you to deny this speculator's petition to build either twin or single block busters on this site.

"I was so moved and impressed by what I hoped the Urban Design Plan would do for my city that I wrote Mr. Jacobs a fan letter and even come before you to urge its adoption. But I was naive and superficial in my appraisal of the Plan. If it permits this kind of mass density at the top of a highly congested area, then its no good for us at all - and since it isn't yet law - we don't have to use it as a guideline for the acceptance of the Haas buildings.

"These towers will not affect my view - but they will affect my way of life. If this land is to be given an artificial value of 750,000 just because a speculator is allowed to jam a lot of people onto it - then mine is going to be taxed accordingly even though I wish to liveout my life in a little house with a little garden, or if I wish to continue to operate a modest apartment house where people of moderate means live in comfort and security.

"These towers will affect my taxes because along with my neighbors, I will have to shoulder the burden of increased sewage processing, increased garbage disposal, increased traffic control, increased police protection and increased fire protection - and all for what? So an outlander and The American Savings & Loan Association can make a bundle at my expense.

"I've recently been through a 2-year hassle with the rest of Russian Hill over changing Lombard from Larkin and Hyde from a 2-way Street, to a one-way street and back again to a 2-way street because of the traffic congestion. Judge Molinari and others found 2-way traffic intolerable because of the attraction of the crooked block - the rest of us found that traffic diverted to nearby streets was intolerable too. How are you going to get all these people that will be added to the top of Russian Hill up and down these streets? How are they going to get grocery delivery, laundry, Parcel Post, guests, cleaning and all the other tradesman required to service this many people.

"You are here to make judgments on this development from the stand point of your powers of discretionary review. What is this development going to do to the city in general and to all the residents of this neighborhood in particular? Isn't it more important to view this development in the light of its impact on the neighborhood which has been characterized as one of the gem spots of San Francisco? Isn't it your responsibility to review this matter in the light of its needs.

"There is a quality of life - a sense of the human scale that we must fight for and preserve in our neighborhood as well as other neighborhoods throughout the city. As far as Russian Hill is concerned we've had it - we have endured the Fontanas, the Crystal Plunge location, the Eichler, the Greenhill and the Royal Towers and that's about all we can absorb of this intense density.

"You have it within you power to keep some low density residential scale in this city. We middle class residents don't want to be pushed out of our homes and our modest way of life (which is good for the city.) This segment of the population gives the city balance and a quality that makes it a great place to live.

"That land and the Petri property can be developed with luxury low-rise single and two and three unit developments and still come out ahead. If the city can pay 84,000 (and it had no business doing it) for a crummy little lot on Hyde Street for a mini-park, American Savings and Loan can certainly get its 750,000 out of this plot without being a loser - but this isn't your concern nor mine.

"Your concern is with the maintenance and preservation of a fine livable neighborhood in the city. I know that Mr. Richie and Mr. Alioto would plead, as I am pleading, if a developer came out from Kansas City and bought up the land around or even in Presidio Terrace for 300-foot twin towers. Well, just think of us in terms of that neighborhood - we are not so grand, but we are worth even more to the city as a source of income and tourist attraction than that delightful little enclave where not even trucks are permitted to disrupt the neighborhood.

"I urge you most vehemently to deny this application and to get back to the drawing boards with that Urban Design Plan to mend its now obvious deficiencies."

Peter S. Hockaday, 1034 Vallejo Street, stated that he had submitted the petition in opposition to the original proposal in August, 1971. While he felt that it would have been possible to solicit as many signatures in opposition to the revised plans, he had decided that the effort should not be necessary insofar as the revised plans would have the same political and environmental impact as the original.

William F. Taylor, 820 O'Farrell Street, stated that he works on Lombard Street and looks up at Russian Hill every day. He felt that Russian Hill already has enough ugly buildings; and he did not feel that two more ugly monoliths should be added to its skyline. He remarked that page 93 of the Urban Design Plan calls for an 88-foot height limit on the subject site; and he believed any plans not meeting that criteria should be turned down by the Commission. In conclusion, he stated that failure on the part of the Commission to enforce the Urban Design Plan would result in a disservice to residents of Russian Hill and the City as a whole.

Ann Fibush, 1960 Hyde Street, felt that Mr. Haas should come to San Francisco to live and to experience the spirit of the people of the City. She remarked that God had given the City seven beautiful hills like Rome; and she did not feel that the City should surrender one of its most beautiful hills to a speculator. She believed that there must be many cities in the United States which would happily welcome the applicant and his project; but she did not feel that San Francisco, which must be planned for people who will be living here in the year 2000 as well as at the present time, should allow itself to be ruined by a "reckless speculator".

Robert Hyde observed that the proposed development might be acceptable if it were to be located in another part of town; but he did not feel that it would be proper for Russian Hill. He noted that five or six smaller apartment buildings have already been constructed on Russian Hill; and, since those buildings are apparently fully occupied and economically successful; he did not understand why construction of a 35-story building should be necessary to make the proposed project economically feasible.

Elton Puffer, 1047 Lombard Street, identified himself as the President of the Lombard Hill Improvement Association. He remarked that the previous speakers had commented on aesthetics, the quality of life, noise, earthquake hazards, traffic, and other concerns; and, if the Commission had not been moved by those arguments, he did not know what he could add to convince the Commission that construction of the proposed project would be undesirable.

Mrs. Frieda Klussman, representing San Francisco Beautiful, stated that she had little to add to comments which had been made by previous speakers; and she particularly indorsed the remarks which had been made by Mrs. Wiley. She stated that she did not believe in confrontations such as the one presently taking place; and she felt that the Urban Design Plan should have been resolved a long time ago to the point where both residents and developers would be aware of what type of construction would be acceptable and legal on a given parcel of property. When that point is reached, she was hopeful that unpleasant confrontations could henceforth be avoided.

John Diamanti, 83 Divisadero Street, stated that he could not imagine the proposed project being built on the War Memorial Promontory in Kansas City; and he believed that the applicant should realize that the project would be equally out of place on the top of Russian Hill in San Francisco. He was irritated by the fact that the applicant appeared to be interested only in money; and, as a San Franciscan, he felt that the public equity in Russian Hill should be considered to be equally important to the private equity held by the owner of the subject property. While many members of the audience had taken the position that the Urban Design Plan should have provided protection against the proposed development, it was his own opinion that no plans or formulas can serve as a substitute for the constant vigilance which public bodies must maintain; and he felt that the labor unions and the working people who they represent would inevitably have to compromise their present attitudes in the interests of civic equity. Some question seemed to exist as to what a "point tower should be"; and his own concept was that a "point tower" should be a work of imagination and distinctive architecture to be located on a hilltop. In conclusion, he stated that the Urban Design Plan could not be used as a substitute for imagination on the part of the Commission; and he advised the Commission to use its power of discretionary review in the best interests of the City as a whole.

Peter Christelman, 682 Miramar Avenue, represented San Francisco Tomorrow. He asked the Commission, "in the name of common sense", to disapprove the subject application and, thereby, to save the City. He remarked that people who can afford housing in the City live here because it is pretty and not too dense; and he believed that every new project such as the one presently under consideration causes an exodus of residents of the City to the suburbs, thus adding to the destruction of the City's residential neighborhood. In conclusion, he stated that the City Planning Commission must stop the trend of allowing construction of housing for more people than the City with its limited space can accommodate.

Mr. Mazolla, a representative of the San Francisco Building and Construction Trades Council, stated that labor unions and their members have as much right to be concerned about jobs as some of the previous speakers have to be concerned about aesthetics. While he felt that good points had been made by both opponents and proponents of the application, he regarded the trend towards increasing unemployment to be one of the City's most serious problems; and he believed that it should be the duty of the City Planning Commission to approve the subject application as in compliance with the City Planning Code.

Allan B. Jacobs, Director of Planning, stated that the staff of the Department of City Planning shared Mrs. Klussman's desire for avoiding such "confrontations"; and he indicated that he was confident that the present situation could have been avoided if the Urban Design terms of reference which had been prepared for the subject site by the staff of the Department of City Planning had been followed by the applicant. He remarked that the Urban Design Plan merely states that "point towers" would be acceptable on the top of Russian Hill; and the interim height controls which had been established by the City Planning Commission indicated only that height up to a maximum of 300 feet might be acceptable in the subject neighborhood. He emphasized that neither the Urban Design Plan nor the City Planning Code, or for that fact, any ordinance, could assure excellence of design or prevent bad design on all individual projects which might be proposed.

The Director remarked that Mr. Passmore, in replying to a question raised by Commissioner Ritchie as to whether the developers had been sincere in working with the staff of the Department of City Planning, had replied that he could not answer the question; however the reply had in no way implied that the developers had not been sincere. The staff had no way of making that determination. Mr. Pengilly had remarked that Mr. Passmore had appeared before the Board of Permit Appeals to request that the applicant withdraw his application from the jurisdiction of that board; however, the statement which had, in fact, been made by Mr. Passmore was that the Board of Permit Appeals could not modify the plans in a way which had not been considered by the City Planning Commission. While Mr. Haas had pointed out that the staff of the Department of City Planning had originally suggested a two-tower scheme for the site, the Director noted that he had expressed regret and concern about such an alternative scheme when he had met with the developer in Mayor Alioto's office; and, in response to a request from Mayor Alioto and the neighborhood that terms of references be prepared for the best possible development of the site, those terms of reference had called for a single tower. Mr. Haas had also complained about the fact that the December 10 meeting with the staff of the Department of City Planning had been limited to 25 minutes; however, when the developer had requested the meeting only forty-eight hours in advance, he had informed him that he had a previous engagement and that the meeting would have to be brief. While it might technically be possible to subdivide the property and to construct four buildings with 100 units each on the site, the Director pointed out that each of the four buildings would have to be reviewed separately by the City Planning Commission if a height of more than 40 feet were to be involved.

The Director, noting that some of the speakers had expressed concern about the Commission's use of its power of discretionary review, remarked that the City Planning Commission has used its authority discreetly and on rare occasions; and one of the reasons for the Commission's reluctance to exercise its discretionary authority is that it, also, wished to have as many rules as possible written down so that they will be clear to prospective developers and to the public at large. Consequently, when legislation is adopted to establish height, bulk, and other guidelines proposed in the Urban Design Plan, the Commission will more than likely make even less use of its discretionary authority. If the legislation, once adopted, should prove to be inadequate, it could be strengthened at a later date.

At this point, the Director re-read comments from the staff memorandum concerning criteria for review which had previously been read by Mr. Passmore. In doing so, he remarked on the extent to which the plans conformed with the policies and principles of the Urban Design Plan, as follows:

- "1. A balanced relationship of the proposed height to that of other buildings and to the topography of the hill; No
- "2. Conformity to the specified bulk controls; Yes
- "3. Maintenance of a high ratio of height to width; Yes
- "4. Use of less than the maximum permitted floor area ratio; No
- "5. Significant spacing of towers on the hill; Yes & No
- "6. Respect for the scale of design of nearby buildings; No
- "7. Maintenance of sunlight to other properties; and Yes & No
- "8. Other relevant criteria, such as preservation of natural features, protection of views, color, materials, accessibility, adequacy of off-street parking, and effect upon street facades. Yes & No"

Subsequently, the Director proceeded to analyze the revised plans which had been submitted by the applicant and to offer his recommendations to the Commission as follows:

"Improvements in the Design

"There are several respects in which there have been improvements as compared with the plans disapproved by the Commission in August 1971. These improvements are by no means sufficient, however, to balance the many deficiencies of the current scheme. The improvements are as follows:

"Bulk. To a small degree, apparent bulk of the buildings has been lessened by establishing the dimensions of each tower at below the maximum of the Urban Design Plan, and by creating a substantial difference in height between the two towers.

"Wall treatment. All four walls of each tower would have windows, in contrast to the earlier blank walls on two sides. There would be a 20-foot setback of the tower on Chestnut Street, and very small setbacks of seven feet on Lombard Street and four feet on each side property line. The two foot projecting bays on all facades of the towers create a more attractive appearance, but lessen the actual open space provided by the setbacks.

"Lower elements. The garage would extend farther below grade than in the earlier scheme, and would step back somewhat on the Chestnut Street side. The apartment tower along Chestnut would have living units close to street level, rather than the garage facade shown at this location in the earlier scheme. The open space on the plaza level is more visually accessible to the public.

"Significant Deficiencies

"In many respects the present scheme is as deficient as the earlier scheme and thus does little to satisfy the concerns of the Commission which lead to the disapproval of that scheme, and in one respect has raised a major new issue, that of density. The most significant deficiencies are as follows:

"Number of Dwelling Units. The most important new negative factor in the present proposal is the increase from 280 dwelling units to 379 units. This number of units is close to the maximum of 400 dwelling units permitted on the subject site under the Planning Code. No other block on Russian Hill contains this number of high rise dwelling units. For example, the three high rise buildings in the block immediately north of the subject site contain a total of 156 dwelling units. The two high rise buildings, Green Hill Tower and 1000 Green, represent a total 114 dwelling units in the block bounded by Union, Jones, Green and Leavenworth Streets, and the four high-rise buildings, the Summit Apartments, 947 Green, 945 Green and 1725 Taylor Street represent a total of 140 dwelling units in the block bounded by Green, Taylor, Vallejo and Jones Streets. Even outside of Russian Hill such a high number of dwelling units is uncommon; as an example the two Fontana Apartment buildings contain a total of only 272 dwelling units, and the Nob Hill block containing 1200 California Street and 1155 Jones Street has 154 units and the block containing the Comstock Apartments has 120 units.

"According to the Bureau of Traffic Engineering an average of 6 vehicle trips per day will be generated by an apartment unit of the nature proposed in the subject case; thus a total of 2274 vehicular trips per day will be added to the subject neighborhood by the proposed development. Although the Bureau of Traffic Engineering believes that such a traffic increase can be accommodated by the streets in this area without causing undue traffic congestion, the additional traffic conflicts and noise that are bound to occur will be an undesirable irritation to residents in this area, which may lead to a less stable and desirable residential neighborhood. The proximity of the subject site to the curved one-way portion of Lombard Street and the Hyde Street Cable Car line adds to the concern over any possible traffic conflicts that might result from a major increase in persons living in the subject area.

"Total building mass. Despite the fact that each separate tower has been kept below the maximum plan dimensions of the Uraan Design Plan, and the fact that the towers are of dissimilar height, the negative effect of the building mass from some areas of the city is at least as great as in the earlier

scheme. The slab-like earlier building had a total wall area on its east-west wall of 58,000 square feet; in the present scheme, the two towers together have a slightly greater east-west wall surface, and their total length is 198 feet as compared with 170 feet in the single slab. Although from most angles the two towers in the new scheme appear as separate entities, it must be concluded that there is insufficient separation between them when related to the proposed heights to permit them to be classified as scattered point towers suitable for Russian Hill. The distance between the towers would be but 109.33 feet, and the tower at Chestnut Street would be approximately 92 feet from the existing apartment building at 1000 Chestnut.

"Height. One of the towers, at 355.38 feet, is higher than the building originally proposed, and exceeds all the criteria for maximum height on Russian Hill. No building of more than 300 feet could be approved by the Commission under any application filed after August 26. The October terms of reference indicated that 250 feet should be the maximum for this site. The highest building in the vicinity now is 198 feet, and the height of even the lower proposed tower on Chestnut Street would be approximately 76 feet higher above sea level than that building.

"Floor Area Ratio. The proposed floor area ratio of 9.2:1, close to the maximum of 10.3:1 permitted on the site and a significant increase in floor area over the 7.6:1 ratio of the original proposal, contrasts with the criterion listed in the interim height controls to use less than the maximum permitted floor area ratio for building permitted to exceed the 40 foot height limit other wise applicable to Russian Hill.

"Lower elements. Despite some changes, the design does not appear to have achieved the level of compatibility with the surrounding neighborhood at its lower levels that staff believes is reasonably obtainable. The garage still presents a single block of structure without a residential character and with intrusive walls along Chestnut Street and the side property lines. A comfortable transition between this large scale development and the smaller houses that surround the site has not been achieved.

"In summary the proposed scheme fails to meet urban design guidelines appropriate to this site, particularly the 300 feet height limit, the appropriate scaling of new towers to existing towers such as those along Chestnut Street, a proper relationship between tower separation and tower height, separation of large scale development from low scale development, and appropriate transition from the large scale nature of the project and the street facades of adjacent small residences. The new scheme has not satisfactorily solved the problems which lead to the Commission's original disapproval. Additionally, and just as importantly, the great increase in density would, if built, result in a massive detrimental effect on the surrounding neighborhood, an impact sufficient to justify concern even if the urban design issues were no longer present. For these reasons staff must recommend disapproval of this proposal.

"An Alternate Proposal

"In recognition of the rights of the developer of this site to greater than R-4 intensity development resulting from the retention of R-5 zoning on the subject site, in recognition of the much larger than average size of the subject parcel, and in recognition of the ability to cut the subject parcel into separate lot ownerships, one lot fronting on Lombard Street and one on Chestnut Street, staff is aware that it cannot demand compliance with its October design recommendation, even though staff feels compliance with such recommendations would lead to the best high rise development of the site. For this reason staff might reluctantly recommend approval of an alternate plan which would 1) without increasing the presently proposed plan dimensions of the proposed towers or changing the exterior treatment of said towers, create two towers as located on the site plan submitted and having a maximum height of 300 feet measured from Lombard Street for the Lombard Street tower and a maximum height of 200 feet measured from Lombard Street for the Chestnut Street tower (239.5 feet measured from Chestnut Street), 2) would contain no more than 300 dwelling units, 3) would rework the lower building facade element along Chestnut Street through greater setbacks of the garage levels and consequently greater amounts of large size planting materials, and consideration of more traditional architectural building materials and scale to provide a comfortable transition from this large scale development to adjacent smaller dwellings, 4) and would provide parking at a ratio of 1.25 cars to 1.5 cars per dwelling unit as determined appropriate in consultation with the Bureau of Traffic Engineering and Department of City Planning. Additionally said approval should be contingent upon commencement of construction within a two-year period after the Commission's approval.

"The increase of 20 dwelling units over the original proposal, which would result in a dwelling unit count that would be 100 units less than permitted on the site, would be justified because of the greater construction costs of a two tower scheme. At these proposed lower heights two towers as proposed would reasonably control the visual building bulk that originally concerned staff and the Commission. The maximum 300 foot tower would be near the crest of the northern portion of Russian Hill. The 200 foot tower would not be significantly greater in height than existing 1080 Chestnut Street. The resulting floor area ratio from such a height reduction of the towers of 7.8:1 would be significantly less than the permitted 10.3:1 and approximately the same as originally proposed. The significant difference in the height of the two towers and the low coverage at the plaza level add to the apparent separation of the towers although the spacing still remains marginal in relation to the general scattered point tower concept appropriate for Russian Hill.

"Unless the development is commenced within two years the reasons which make this alternative currently acceptable may no longer be valid, and the approval or disapproval of any future projects over 40 feet in height in the vicinity of the subject site will in part be dependent upon the development of the subject site. Delay in construction could adversely affect the future planning for other properties in this neighborhood.

"An Alternate Scheme Not Acceptable"

"The foregoing alternative is the minimum reduction in building height, bulk and density for the proposed project that staff could accept as resulting in a reasonable development of the site. Thus, the proposal by the developer offered to staff to develop the precise scheme reviewed today with only one modification, the reduction of the Lombard tower to a height of 300 feet and consequent reduction in dwelling units to approximately 340 units is not a sufficient reduction to justify approval. The Chestnut Street tower would remain out of scale with existing Chestnut Street buildings and the total effect of the two tower scheme with such additional height does not sufficiently solve the bulk problem to justify the 60 dwelling unit increase in density over the original scheme, and the negative impact on the neighborhood such an increase would have."

Commissioner Porter suggested that the applicant should be asked to indicate whether he would be willing to reduce the height of both the towers and to meet the other criteria mentioned by the Director which would make the project acceptable to the staff of the Department of City Planning.

Mr. Pengilly asked the Director if he felt that the modification which he had proposed would result in an economically feasible project; and, if so, he wondered what had been the basis for that assumption. The Director replied that his recommendations had not been based on economics but out of concern for the quality of the environment of the community.

Mr. Pengilly felt that the Department of City Planning should not establish maximum standards for developers without knowing whether adherence to those standards would result in an economically feasible project. Furthermore, in exercising its power of discretionary review, he believed that the Commission must confine its discretion within specific parameters; otherwise, the process should not be called "planning". No standards should be established by the Commission unless the Commission knows that the standards can be implemented.

In rebuttal to comments which had been made by members of the audience, Mr. Pengilly, referring to the issue of traffic congestion, stated that he had met with the Department of Public Works and had requested their evaluation of the effect of the proposed project on traffic in the area. After a traffic count had been made in the neighborhood, Mr. Evans of the Traffic Engineering Bureau of the Department of Public Works had concluded that the additional traffic which would be generated by the proposed project would not create a traffic hardship on Lombard Street or on Chestnut Street. With regard to parking, Mr. Pengilly emphasized that his client had made an effort to provide as many off-street parking spaces as possible on the site; and, in proposing to lower the height of the Lombard Street tower and to reduce the total number of units to 343, reduction of the original number of parking spaces had not been contemplated. As a result, modified plans for the project would result in the provision of 1.38 parking spaces for each dwelling unit. While the staff of the Department of City Planning had earlier made the suggestion that the size of the garage should be reduced, the applicant had objected because he did not feel that such modification in the plans would constitute good planning.

Mr. Pengilly stated that he had never agreed with the graphics which had been prepared by Mr. Mallott since those graphics did not appear to recognize the fact that two towers were being proposed rather than a single building. He also took issue with Mr. Mallott's contention that the applicant was seeking to build the maximum allowable project on the site. He noted that the applicant had agreed to reduce the height of the Lombard Street tower to 300 feet; and the Chestnut Street tower would have a height of only 235 feet, which is not the maximum permitted by the City Planning Code. While the City Planning Code would allow 75% coverage of the site, the proposed coverage of 20% would be far below the maximum. Although the City Planning Code would allow a maximum of 400 dwelling units on the site, only 343 dwelling units were being requested; and he noted that only 280 units were proposed in the original plans for the project.

Mr. Pengilly remarked that page 94 of the Urban Design Plan specifies that if two or more towers are to be built on a single property, their total effect should be considered and a significant separation should be required between them. He believed that no other vacant lot as large as the subject property exists in the City; and, as a result, the occasion is unlikely to arise when two towers on a single lot will be located at a greater distance from each other than in the present case. A great deal of emphasis had been placed on the desirability of designing "point" towers for the subject site; and he believed that the towers which were being proposed would conform to the definition of "point towers" as towers which would have a high proportion of height to width. While the Director of Planning had indicated that he did not like the treatment which was being proposed for the garage structure, Mr. Pengilly felt that the terraced garage structure would have a considerably better appearance than the high wall which exists along Chestnut Street at the present time; and he displayed a photograph of the existing wall to illustrate his point. The other modifications which had been recommended by the Director were not easy to understand. However, if reduction of the height of the Chestnut Street tower were called for, the amount of off-street parking provided on the site would have to be reduced.

Mr. Pengilly stated that he had met with Mr. Weinberg to discuss the proposed project; and, as a result of that meeting, it appeared to him that what the members of the Russian Hill Improvement Association really wanted was the project which had originally been proposed by the applicant oriented differently on the site. While Mr. Weinberg had contended that the revised plans would not comply with the Urban Design Plan, Mr. Pengilly took the position that the project would comply with all existing plans and codes; and he stated that his position had been supported by the City Attorney. During the present hearing, Mr. Weinberg had referred to the applicant as a "speculator". Mr. Pengilly considered a "speculator" to be one who builds a project, sells it, and gets out early; and he informed the Commission that Mr. Haas had never sold any of the projects which he had constructed. Therefore, he did not believe that Mr. Haas could be considered to be a "speculator". Other individuals had been critical of Mr. Haas because he is not a fifth generation San Franciscan; and Mr. Pengilly did not feel that such provincial considerations should play a role in planning in San Francisco. Mr. Weinberg had stated that the property had not been owned either by Mr. Haas or the American Savings and Loan Company when the original application had been

filed; however, the Pioneer Savings and Loan Association, which had been listed as the owner of the property at that time, was actually the American Savings and Loan Company under another name. In conclusion, he remarked that even the Director of Planning did not know whether it would be economically feasible to construct a project meeting the criteria which he had cited in his recommendation; and, in fact, certain aspects of the Director's recommendation were not entirely clear to him. He believed, however, that the applicants offered to reduce the height of the Lombard Street tower to a maximum height of 300 feet would bring that tower into conformity with the Director's recommendation; and he asked for confirmation of that point.

The Director stated that he had recommended that the Lombard Street tower have a maximum height of 300 feet measured from Lombard Street. He emphasized that the application which had been filed for consideration by the Commission had specified that the Lombard Street tower would have a height of 356 feet above Lombard Street; and, although the applicant had offered to reduce the height of the building to 300 feet, that proposal was not reflected in the application.

Commissioner Fleishhacker suggested that it might be helpful to the Commission if the applicant would indicate formally that he wished to revise the application to reduce the height of the Lombard Street tower to a maximum height of 300 feet.

Mr. Pengilly stated that the Commission could consider the application to be amended formally by the removal of six floors from the Lombard Street tower, reducing that building to a height of slightly under 300 feet and reducing the total number of units in the project by 36 to a total 343 dwelling units. He believed that the Lombard Street building, as revised, would conform to the recommendation of the Director of Planning; however, the Director had not yet affirmed that fact. The Director had also recommended that nine floors be removed from the Chestnut Street tower; however, since such a reduction would necessitate the removal of 54 dwelling units, it would render the project economically unfeasible. Therefore, the applicant did not feel that he could change the plans for the Chestnut Street tower. The applicant did not object to the Director's recommendation that construction should begin within a two year period after approval of the project by the City Planning Commission. Mr. Pengilly observed that the Urban Design Plan had stated that the precise design of individual buildings should be left to the decision of individual developers and their architects within the guidelines established by the Plan; yet, if the Commission were to adopt the criteria which had just been recommended by the Department of City Planning, nothing would be left to the discretion of the developer. He felt that the Director had gone far beyond the Urban Design Plan in establishing requirements for the proposed project.

President Newman, noting that the Director had recommended that the Chestnut Street tower should have a maximum height of 200 feet as measured from Lombard Street, asked what height the developer had proposed for that building. The Director replied that the applicants plans had specified that the Chestnut Street tower would rise 235 feet above Lombard Street.

President Newman then asked how many floors would have to be removed if the building were to be reduced in height from 235 feet to 200 feet. The Director estimated that approximately four floors would have to be removed from the building.

Commissioner Finn, noting that compromises had been proposed by the developer, the Russian Hill Improvement Association, and the staff of the Department of City Planning, asked if the Commission could legally consider amendments to the application on file. The Director replied in the affirmative.

Commissioner Finn stated that he did not wish to try to design the project for the applicant; however, because he was concerned about the density of the proposed project, he wondered if there were any possibility that less than 343 dwelling units could be constructed on the site. Mr. Pengilly replied that he was of the opinion that the number of dwelling units could not be reduced without lowering the quality of construction or eliminating some of the parking spaces which were being proposed. While the Director of Planning had stated that the total number of dwelling units should be reduced to 300, Mr. Pengilly remarked that it would be necessary to remove eight floors rather than four floors from the Chestnut Street tower to conform to that limitation; and, in addition, the top floor of the tower would then be allowed to have only one dwelling unit. He did not understand what "magic" was associated with the figure of 300 dwelling units; and he remarked that removal of four floors from the Chestnut Street tower would not even be noticeable from the street.

Commissioner Porter stated that she was quite concerned about the density of the proposed project, particularly since the revised plans called for considerably more dwelling units than had originally been proposed by the applicant; and she wondered if it would be possible to further modify the plans by including some three bedroom apartments. Replacement of some of the smaller apartments with three bedroom units would diminish the density of the overall project; and she believed that the availability of such units might prove to be an economical advantage for the developer. Mr. Pengilly replied that the project would be designed so that two-bedroom units could be converted to three-bedroom units and so that one-bedroom units could be converted to two-bedroom units. He confirmed that the total number of dwelling units proposed by the applicant had been increased from 280 units to 343 units, but he explained that the additional 63 units would be necessary to offset the cost of constructing a second tower which would require a separate elevators, boilers, service, etc.

Commissioner Porter emphasized that the density of the project had been increased in any case; and that was her primary concern. She asked if conversion of apartment units as explained by Mr. Pengilly would result in a reduction of a total number of units in the project. Mr. Pengilly replied in the affirmative, stating that any time two apartments are converted to one of a larger size, the conversion would eliminate one unit. With regard to the overall question of density, he pointed out that the subject property is zoned R-5; and he did not feel that an increase of 63 units for a total of 343 units on the site should be considered to be a significant increase.

Commissioner Ritchie felt that if the plans which had been submitted by the applicant were to be disapproved by the Commission, there was a strong possibility that the property would be divided into four separate lots each containing more than 12,000 square feet of area. If the property were to be subdivided in that way, he wondered if each of the lots could be developed with a 14-story building containing 100 units for a total density of 400 dwelling units on the entire site. The Director replied that any new proposal for development of the property would have to come before the Commission for discretionary review if the plans called for buildings having a height of more than 40 feet.

Commissioner Ritchie then asked if 400 units could be built on the property if permission were obtained for buildings higher than 40 feet. The Director replied that it might be possible to construct 400 dwelling units on the site; however, he had no idea how future Planning Commissions or Boards of Supervisors might establish or interpret the laws governing such developments in the future.

Commissioner Ritchie observed that representatives of the Russian Hill Improvement Association had doubted that it would be economically feasible to construct four separate buildings on the site since they would block each others views. However he felt that such a development would be quite feasible; and he believed that the result would be worse than the project presently under consideration.

The Director remarked that subdivision of the property into two parts and construction of two towers might be feasible. Commissioner Ritchie stated that he believed that the property would be divided into four parts and developed with four towers.

The Director stated that it would be probably be feasible to divide the property into eight lots or even sixteen lots. At that point, the individual lots would be quite small in size like most of the others on Russian Hill; and the problems of height would cease to exist.

Mr. Weinberg, speaking for the Russian Hill Improvement Association, requested that any modification of the plans which had been submitted be made the subject of an additional hearing. With reference to Commissioner Ritchie's comments on the possibility of dividing the property into four separate pieces, he remarked that such a division of the property would probably constitute an illegal subdivision. In any case, the subdivision would have to be approved by the City Planning Commission.

Commissioner Ritchie stated that he was certain that subdivision of the property into four or more individual parcels would not be in violation of the law.

Mr. Weinberg questioned Mr. Pengilly's explanation of the August 4 title transfer of the subject property. He advised the Commission that stamps had been affixed at that time indicating an approximate value of \$1,200,000 for the property; and he doubted that the American Savings and Loan Company would have paid

more than \$1,000 for stamps merely to effectuate a name change. He reiterated the fact that the Russian Hill Improvement Association had made an economic study which indicated that its alternate proposal of a single tower and townhouses would be an economically feasible project; and he emphasized that even the original project which had been submitted by the applicant had called for only 280 dwelling units on the site. He again requested that the plans presently before the Commission be disapproved.

Commissioner Porter felt that the matter had been the subject of sufficient debate; and she suggested that the issue should now be put to a vote.

Commissioner Fleishhacker moved that the plans which had been submitted by the applicant be disapproved since they failed to meet the criteria which had been recommended by the Director of Planning. He felt that disapproval of the plans would be an appropriate exercise of the Commission's discretionary review authority; and he believed that the Real Estate Board should reconsider its suggestion that such authority be removed from the Commission, especially since a case might arise in the future when that organization might wish for intervention by the Commission. He felt that unwise statements had been made by both opponents and proponents of the subject application; and he felt that the type of personal confrontations which had taken place were not proper before a meeting of the City Planning Commission.

When it was apparent that no second was forthcoming for Commissioner Fleishhacker's motion, President Newman asked Commissioner Ritchie to assume the chair and proceeded to second the motion. Even though the proposed project might conform to the standards of the R-5 zoning district in all respects, he pointed out that the subject property is one of the largest parcels of vacant land in the City and that it has an extremely important location. The proposed project would house more than 700 people; and the tower on Chestnut Street would be nine stories taller than any other building on the block. He stated that it had always been the practice of the City Planning Commission to listen to and to heed the desires of neighborhood residents; and in spite of the fact that the Commission had instructed the developer to work with the staff of the Department of City Planning in an effort to modify the plans so that they would be acceptable to the staff, to residents of the neighborhood, and to the City Planning Commission, the applicant had actually increased the number of units proposed from 280 to 343 dwelling units. He felt that the proposed project would be unacceptable; and he believed that it should be disapproved.

Commissioner Ritchie advised Commissioner Fleishhacker that the San Francisco Real Estate Board had not suggested that the power of discretionary review should be taken away from the City Planning Commission. The statement which had been read by Mr. McCormac on behalf of the Real Estate Board had stated that the Commission's power of discretionary review should not be used as an instrument to deny that which conforms to all other restrictions.

Commissioner Fleishhacker stated that he continued to view the suggestion as a recommendation that the power of discretionary review be taken away from the Commission since the purpose of discretionary review is to consider health, safety, and general welfare aspects of proposals which conform in all respects to the City Planning Code; if they did not conform to the City Planning Code, they could not be approved in any case.

Commissioner Finn believed that the applicants had made an effort to meet the guidelines contained in the Urban Design Plan. Yet, he was still concerned about the density of the project. He stated that he would vote against the motion which had been made by Commissioner Fleishhacker only because he felt that there was still hope for further compromise. In any case, he indicated that he was not naive enough to think that controversy over the project would be finished no matter how the Commission might vote.

President Newman stated that it was his understanding that the applicant would not be willing to consider any further compromise.

Commissioner Ritchie asked the applicant if it was a fact that he would not be willing to consider further compromise. Mr. Pengilly replied that the applicant would not be willing to reduce the density of the project below 343 dwelling units.

Commissioner Porter stated that she would support Commissioner Fleishhacker's motion for disapproval of the Plans. While she would have been willing to vote for approval of plans which had met the criteria which had been recommended by the Director of Planning, she doubted if even those modifications would have resulted in a project which would have been acceptable to the neighborhood. She felt that the density of the project which had been proposed by the applicants would be too great; and she thought that it was unfortunate that the applicant had not been willing to construct larger and more luxurious apartments than those which were being proposed.

President Newman asked if the applicant would be permitted to submit new plans to the Department of City Planning for review if the plans presently under consideration should be disapproved. The Director replied that the applicant would have to wait for one year before filing a new application if the present application were to be disapproved; however, if the present application were to be withdrawn by the applicant, he would be permitted to return with new plans at any time.

Commissioner Porter asked the Director if he would be prepared to recommend approval of the revised plans for a project which would call for a 300-foot tower on Lombard Street, a 200-foot tower on Chestnut Street, and a maximum of 300 dwelling units. The Director replied in the affirmative.

Commissioner Miller remarked that the Commission would lose its authority for action on a similar proposal for a period of one year if the subject application were to be disapproved; and any substantially revised plans which might be submitted during the interim would be subject to a 40-foot height limit. For those reasons, he intended to vote against the motion which had been made by Commissioner Fleishhacker.

Commissioner Fleishhacker remarked that the Commission had disapproved the original plans which had been filed by the applicant; yet, the applicant had been permitted to return to the Commission with revised plans before one year had elapsed. Under the circumstances, he did not understand why disapproval of the present plans would prevent the applicant from returning at any time with revised plans. Mr. Passmore stated that it was his understanding that the applicant would be prevented from returning to the Commission within one year once a permit has been denied by the Department of Public Works on the recommendation of the Department of City Planning. The original application had not received final disapproval by the Department of Public Works; and, therefore, it had been possible for the applicant to file revised plans with the Commission for consideration.

The Director remarked that the same procedures could be followed by the applicant again if the subject application were to be disapproved by the Commission.

Commissioner Finn remarked that the decision of the Commission would probably be appealed to the Board of Permit Appeals regardless of the nature of the vote.

Commissioner Rueda observed that the staff of the Department of City Planning usually prepares draft resolutions with specific conditions for consideration by the applicant and the Commission; and he wondered why that process had not been followed in the present instance.

Commissioner Fleishhacker remarked that it always takes two parties to negotiate; and he did not believe that adoption of his motion by the Commission would foreclose further opportunities for negotiations if the applicant wished to follow the same procedures which had been followed after the Commission had disapproved the original application.

When the question was called, Commissioners Fleishhacker, Newman and Porter voted "Aye"; Commissioners Finn, Miller, Ritchie and Rueda voted "No". The motion failed by a vote of 4-3.

Subsequently, it was moved by Commissioner Rueda and seconded by Commissioner Ritchie that a resolution be adopted approving the revised plans which had been submitted by the applicant, as amended during the course of the Meeting.

Commissioner Fleishhacker stated that he intended to vote against the motion; and he hoped that he could persuade some of his fellow Commissioners to change their votes to defeat the proposed project. While the applicant had stated that the 43 unit differential between his proposal and the recommendation of the Director was not significant, his own opinion was that the 300 units recommended

by the Director would be horrible and that the 343 units proposed by the developer would be more than horrible. He remarked that the City Planning Commission is the only official body which is able to protect the neighborhoods of the City; and he felt that the Commissioners have a duty to fulfill that responsibility. He disagreed completely with the report of the Department of Public Works on the issue of traffic and felt that the person who had made the report should be replaced. He stated that a traffic problem exists in the subject neighborhood at the present time; and he pointed out that the project proposed by the applicant would certainly not make that problem go away. While the applicant had raised the matter of money, he remarked that money can work both ways; and he emphasized that San Francisco is an important City and that the subject property is located in one of the most important parts of the City. While considerable discussion during the hearing had centered on the issue of what might happen on the subject site if it were to be subdivided onto four lots or if other circumstances might arise, he emphasized that the only matter before the Commission for decision at the present time was whether the subject neighborhood should be destroyed or preserved. He felt that the Commission should disapprove the building permit application now and worry about unknown future developments at a later date. While the developer had talked about corporate responsibility, he had not yet demonstrated that responsibility to the citizens of San Francisco who will eventually be expected to rent apartments in the proposed project. The City Planning Commission, also, has a responsibility to people; and Commissioner Fleishhacker felt that the Commission should support the people of San Francisco by voting for disapproval of the proposed project.

Commissioner Rueda stated that it had been very difficult for him to make a decision on the matter before the Commission. He indicated that he had looked at the subject parcel of property on many occasions; and if he had sufficient financial means, he would want to buy the property and to give it to the City. Unfortunately, that alternative was not feasible. Unless the Commission wished to return to the citadel concept, building walls around the City and stopping people from coming into California at the borders, he felt that no alternative existed except to approve the project which was being proposed.

Commissioner Miller stated that he is a native of San Francisco and that he has a great love for the City; but there are legal limitations which must be respected regardless of love. He observed that the Commission's power of discretionary review should be used to disapprove building permit applications only when extreme circumstances are clearly proven to exist; and he did not feel that the present proposal met that criteria. He pointed out that the proposed project would have a floor area ratio 15 per cent less than that permitted by the City Planning Code; and even the density of the project would be 15 or 20 per cent less than the maximum. In his opinion, the proposed project appeared to conform with the policies and principles of the Urban Design Plan in most respects; and, in commenting on the extent to which the project had conformed with eight particular principles and policies of the Urban Design Plan, the Director had stated that the project did conform with two of the guidelines, that it did not comply with three of the guidelines, and that its compliance with the remaining three guidelines was "yes and no". Therefore, the tally was three and one half "yes vs. four and one

half "no"; and he did not believe that the project should be disapproved on such a narrow margin. Commissioner Miller stated that he would have supported the neighborhood's request for reclassification of the property to R-4 if the application had been timely; however, it was not. Therefore, the Commission, in making its decision, would have to take account of the fact that the property is zoned R-5.

Commissioner Ritchie indicated that he was disturbed by the fact that some of the people who were opposing construction of a highrise building on the subject site had been more than anxious to allow construction of a highrise building on the waterfront.

President Newman stated that his family had lived in San Francisco for more than 100 years. He felt that the people of San Francisco had placed great hope in the Urban Design Plan as an instrument for the protection of the beauty and life style of the City; and he felt that approval of the subject building permit application would destroy their confidence in the Urban Design Plan, giving rise to further "Duskin" proposals under which such issues would be put before the voters to decide. He felt that approval of the proposed project would place another nail in the coffin of San Francisco's beauty.

When the question was called, Commissioners Finn, Miller, Ritchie and Rueda voted "Aye"; Commissioners Fleishbacker, Newman and Porter voted "No". As a result, Resolution No. 6799 was adopted approving a modified building permit application subject to conditions specifying that the tower fronting on Lombard Street should not exceed a maximum height of 300 feet above the elevation of the street, that the tower fronting on Chestnut Street should not be more than 25 stories high, that the total number of units to be constructed on the site should not exceed 343, and that approximately 476 parking spaces be provided.

At 6:00 p.m. President Newman announced that the meeting was recessed.

The Commission reconvened at 6:10 p.m. and proceeded with hearing of the remainder of the agenda.

Review of proposed re-subdivision of Lake Merced Church of Christ on Brotherhood Way, Assessor's Block 7330, Lot 14, required by the City Planning Commission Resolution No. 4746

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), reported on this matter as follows:

"On August 8, 1957 the City Planning Commission adopted a resolution requiring approval of any subdivision along the south side of Stanley Drive, now Brotherhood Way. The request now before you is to subdivide a portion of Lot 14, Block 7380, 125 feet in width and ranging in depth from 366 feet to 374 feet. The land is now vacant and not needed by the owner - the Lake Merced Church of Christ. It is indicated that the purpose of the subdivision is to be sold and used by another church.

JANUARY 3, 1972

"I would hope the proposed sale would not reduce the remainder of Lot 14 below the requirements of the adopted Resolution.

"As this subdivision of land would enable the land to be utilized, and this would appear to be in the public interest, it is recommended the request be approved and a draft resolution to this effect be before you."

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Finn, and carried unanimously that Resolution No. 6800 be adopted and that the re-subdivision be approved.

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

W. H. Finn
Mayor

DIRECTOR'S COPY

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held January 20, 1972.

The City Planning Commission met pursuant to notice on Thursday, January 20, 1972, at 100 Larkin Street at 1:30 P.M.

PRESENT: Walter S. Newman, President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, Mrs. Charles B. Porter, John Ritchie and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Dean L. Macris, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Peter Groat, Planner IV - Urban Systems Analyst; Richard Gamble, Planner IV; R. Bruce Anderson, Planner III - Administrative; James White, Planner III - Transportation; James Paul, Planner III - Housing Specialist; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

1:30 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:30 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on February 3, 1972.

2:30 P.M. - 100 Larkin Street

Approval of Minutes

It was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the Special Meeting of January 6, 1972, be approved as submitted.

Election of Officers

It was moved by Commissioner Porter and seconded by Commissioner Ritchie that Walter S. Newman be re-elected to the office of President of the City Planning Commission. When it was apparent that no other nominations were forthcoming, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the nominations be closed. The Commission then voted unanimously to re-elect Mr. Newman to the office of President of City Planning Commission.

Subsequently, it was moved by Commissioner Ritchie and seconded by Commissioner Rueda that Mrs. Charles B. Porter be elected to the office of Vice-President of the City Planning Commission. When it was apparent that no further nominations were forthcoming, it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the nominations be closed. When the question was called, the Commission voted unanimously to elect Mrs. Charles B. Porter to the office of Vice-President of the City Planning Commission.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

Current Matters

Allan B. Jacobs, Director of Planning, congratulated Mrs. Porter and Mr. Rueda on their recent reappointment to the City Planning Commission.

The Director advised the Commission that the Board of Supervisors, acting on Monday, had voted to uphold the Commission's disapproval of a Conditional Use parking lot for the Sumitomo Bank in a residential district at 17th Avenue and Geary Boulevard.

The Director informed the Commission that he had met with Supervisor Kopp to discuss the Department's Work Program and indicated that he plans to meet with Supervisor Molinari in the near future, also.

The Director distributed copies of the Department's final Capital Improvement Program Report which had been completed and transmitted in accordance with the Charter deadline of January 20.

The Director advised the Commission that a new mini-park located at Howard and Langton Streets will be dedicated on Saturday. The Department of City Planning had participated in the selection and development of the site.

At this point in the proceedings, Commissioner Finn arrived in the meeting room and assumed his seat at the Commission table.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), informed the Commission that the City Attorney had ruled that Application ZM71.48 which had been scheduled for hearing by the City Planning Commission on January 6 was not a perfected application in conformance with the City Planning Code. During the interim, however, the Department of City Planning had received a letter signed by eight interested property owners from the Mission District endorsing the filing of the application. Since the application was perfected by that action, it will be rescheduled for hearing on February 3, 1972.

The Director recommended the adoption of a draft resolution which he had prepared to request a supplemental appropriation in the amount of \$2500 to acquire Fourth Count 1970 U.S. Census summary tapes. He advised the Commission that the tape contains information on family income, length of residence, Spanish surname

or descent, occupational and educational data, and other information; and he indicated that the Department of City Planning had received countless numbers of calls from firms and private citizens requesting the type of information which will be derived from the tape. After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6801 and that the request for a supplemental appropriation be approved.

Commissioner Ritchie read the following prepared statement:

"As you all know, I have of late been highly criticized in the press for my position and vote on the Twin Towers for Russian Hill. In one column, by a well-known columnist and a man whom I have known for many years, it was stated that I was a 'rat', 'fink' and 'sell out' because I had, in the opinion of many, failed to use my 'discretion' and 'to think' in my vote last Thursday. Unfortunately, I was unable to express to you my reasons for voting as I did at that time, having been condemned during the meeting by a fellow Commissioner for the questions I had been asking. I did not feel free to speak after that occurred. Therefore, I must now speak to you on this subject.

"'Discretion' is defined in Webster as the freedom to decide or to act according to one's own judgment. Discretion is a right we are given on this Commission in judging projects that are before us. I want you all to know, for now and in the future, that in using my discretion, I will follow the principle that I very strongly believe in 'obeying, honoring, and sustaining the law', and that to me means in each case, the law or laws as they are written, not as they may be bent. The 'Examiner', in an excellent editorial this week, clearly stated my thinking on this subject, and it is this:

'We think a basic principle of governmental morality is involved here. It is this: The City government, having laid down the zoning rules that builders must follow, must itself live by the same rules. It has no right to change the rules in midstream just because a builder, living within the rules it has set, comes forth with something it doesn't like.'

"Why, then, did I vote as I did? Because in my own judgment, or discretion, the Planning Commission had before it a project which was to be judged within our rules, such as they are, that we had before us, and they are these: the Planning Code, the Zoning Ordinance, and one plan which as yet has only been adopted as policy hereby the Planning Commission - the recently completed Urban Design Plan. I felt, that when I voted, we had before us a project which complied with the Planning Code and Zoning Ordinance, and complied also with those principal elements of the Urban Design Plan that were clear and specific. In my opinion, the Urban Design Plan, although it is an outstanding general outline in many respects, is not specific enough by any means to fit a case like this.

Let me clearly state to you all that I am not in favor of the over-building of this City, or of placing projects of the wrong type in the wrong neighborhoods, but I believed that the Twin Towers developer had complied as best he could, or as any one could, to the material from which we must judge. In this respect, I would caution the people of San Francisco, and the Board of Supervisors to beware of the weaknesses of the Urban Design Plan and to determine very carefully its possible effect. And this full effect will come, not from what it provides, but what it does not provide, and from the great areas of judgment that it leaves in the 'discretion' of the Commission. We need a much more precise program in San Francisco, and I would at this time call upon all San Franciscans including Alvin Duskin to demand clear, complete, and strong rules to govern our present problems of site control and development. The Plan is not specific enough, and since it was written and approved here, the fault is here. There is still time, before it becomes city law, before it is finally approved by the Board of Supervisors, to make a more complete and definitive plan. I call on all to help in this regard. In the meantime, I would make the following general suggestions, among many that I feel should be made now:

- "1) Have an immediate, large lot survey for San Francisco - all major lots of 25,000 square feet or more - to determine their best use, and the effects of zoning and development upon the surrounding neighborhoods.
- "2) Except for the presently approved projects, to follow the suggestion of a recent candidate for Mayor and others, and have a 6 months or one year moratorium on high-rise development (not including the Downtown office buildings in the financial district) for preparation of clear and definite rules.
- "3) Review of City ordinances pertaining to the subdivision and assemblage of large properties.
- "4) Consideration by the Planning Commission and the Board of Supervisors the possibility of an elected, rather than appointed, Planning Commission. (This was mentioned in Herb Caen's article this morning, and I am the one on this Commission that he means who will wholeheartedly support it. This is the trend today, and I think in time we are bound to see it happen.)

"Now there is another subject I would like to discuss with you today, and would appreciate the time to do so. This is the subject of the present and future roles of the Planning Department and the Commission. In this regard, I would like to say the following:

"I think that the people of San Francisco should understand that we are in great danger of creating here a situation where there is too much power concentrated in one place - this Department. I do not think that it is right to form a series of adopted plans (Plan for Residence, Plan for Transportation, Urban Design Plan) that have hidden within them, as an underlying objective, a social rather than a planning philosophy. I am not a student of government, but I believe that this is the underlying trend of what has been going on here.

"Each case that comes before us is different, but I perceive that the treatment for certain applicants as they come to this Department is not good. I sense this in what I read in the papers today. I have talked to several developers, and they have clearly told me so. It seems to me that many of the cases that come before us could have been handled better - more tactfully, and with more consideration - so that we attempt to resolve controversy here rather than create it. I do not believe that the public should be used as a pawn, that the Commission should be used as a pawn, or the Mayor's Office should be used as a pawn, for the gathering of power in one place. Most of these major projects are around for 6 months or a year before final approval. The way things are being handled, owners, neighborhood groups, and others involved are worn to a frazzle. public tensions are created - I think sometimes deliberately.

"We must have clear, strong fixed rules - if the Department is too vague, vacillates, or is abrupt, it ~~creates~~ and fosters distrust. Cases before the Department should be treated carefully, tactfully - Has this been the case?

"Among other considerations, the economics of major planned projects is very important, and should be reviewed and understood when decisions are made. The results of not comprehending, understanding, or procuring the economics of a project can be disastrous.

"Regarding Russian Hill, I want you Commissioners and the people of San Francisco to know that I made my decision and used my discretion independently. It is sometimes very difficult to make lonely decisions. I was not influenced by the Mayor (never even discussed it with him) or by Mr. Mellon in my vote. Neither of these fine men has ever tried to influence my votes in any way. I vote according to my own conscience, within the laws before us. At the meeting last Thursday I was astounded when the Director himself recommended two towers - and had no prior knowledge of his recommendation. I regret some of the possible effects of the project - but believe that the alternatives are worse (four towers rather than two - total density 400 units!) or the thought, that has been expressed to me, of possible low-income housing on this site. The developer, in my opinion, has done the best he could with this site: two white towers in a landscaped setting - and I think it will be a project of high quality. We all knew, and I so cautioned the neighborhood, that

this site was bound to be developed - it's a major piece of private property, over 50,000 square feet in size, and worth over \$1,500,000. So I believed that we should accept that which was before us. The alternatives were either unrealistic or disastrous.

"Let me caution the people of San Francisco that we have the following coming before us:

"Golden Gateway	2 towers
Petri site	1 tower
Livermore site	possible
Downtown	3½ million square feet
Hotels	4 million square feet
Playland	
Presidio bus yards	
Bayshore & Potrero	
Others	

and that we'd better not waste any time in getting clear, precise, and definite rules before us.

"Thank you."

Commissioner Fleishhacker asked Commissioner Ritchie if he wished to make his charges against the Department of City Planning and the Director of Planning more specific. Commissioner Ritchie replied in the negative.

Discretionary Review of Plans Proposed for Construction of a 15-Unit, Four Floor Dwelling at 1180 Filbert Street, Zoned R-5 and Under the Interim Height Control Limits for Russian Hill.

Robert Passmore, Planner V - (Zoning), reported on this matter as follows:

"Scheduled for consideration today under the Commission's discretionary review powers are final preliminary plans for a 15-unit apartment building at 1120 Filbert Street. Review is required for this proposal under the Interim Height Controls applicable to the subject site. In the subject case the applicable height control is the (B-3) Russian Hill 40-foot height limit with greater height, up to a maximum of 300 feet, possible if specifically authorized by the City Planning Commission. If the subject proposal is approved by the Commission, the applicant will complete drawings necessary to obtain a building permit and commence construction.

"The Proposal"

"The proposed wood-frame dwelling, which has been designed for Robert McHugh (McHugh Properties) by Frank L. Hope and Associates, Architects, would be on an R-5 zoned lot on the north side of Filbert Street, 59.1 feet east of Hyde Street. The lot, which slopes up from

Filbert Street approximately 15 feet to the rear property line, is 44 feet wide by 137.5 feet deep, and currently occupied by a vacant large older single-family dwelling. The proposed 15 dwelling units, consisting of one studio unit, 3 one-bedroom units, 10 two-bedroom units and one 3-bedroom unit, occupy four living floors over a garage level. The building steps up along the rising grade of the lot so that the Filbert Street facade would be 37.9 feet high and the height of the remainder of the dwelling would range between 46 feet and 42 feet above existing grade.

"Off-street parking for 15 independently accessible parking spaces is provided in a garage which is largely below the ground level of adjacent lots. The driveway to the garage would be approximately 26 feet wide. The 20-foot rear yard required by the Planning Code is occupied by several of the parking spaces.

"Open space is provided the dwelling in a central court area and on balconies and roof decks.

"The dwelling floors of the building are a total of 123.5 feet long, including projecting bays and balconies at either end, but the building is considered to be within the applicable Interim Bulk Controls that provide for a maximum building length of 110 feet, because the dwelling is separated by a 15-foot deep central court into a front portion 53 feet long and a rear portion 55.5 feet long connected only by open bridges.

"The 15 dwelling units proposed are substantially less than the 48 units permitted on the subject lot under the R-5 zoning, and the proposed floor area ratio is 3.4:1 where up to 10.1 is permitted. The lot coverage is 73.4%; a maximum of 75% is permitted.

"Full compliance with the basic 40-foot height limit of the applicable Interim height limits could be achieved by the elimination of the proposed three-bedroom unit and deeper excavation for the parking garage. However, the applicant does not believe such reductions are practicable. Earlier plans submitted to the Department by the applicant, but subsequently abandoned, proposed a slightly higher 23-unit dwelling involving a greater amount of excavation to accommodate a larger parking garage.

"Existing Development in Subject Area

"In the vicinity of the subject lot a number of higher dwellings exist: the 76-foot high Capo di Monte Apartments at the northeast corner of Hyde and Filbert Streets, the 118-foot high 1150 Union Street Apartments, 136-foot high 1100 Union Street Apartments and the 75-foot high 2164 Hyde Street Apartments; but low-rise dwellings are the predominant development in the subject vicinity. One-to-three-floor

dwellings are immediately adjacent to the subject lot and face the property on the south side of Filbert Street. Although the low rise dwellings are less than 4 floors high, because of high floor-to-ceiling heights or placement above retaining walls along Filbert Street, a number of these dwellings are close to 40 feet high.

"The existing dwellings immediately to the east of the subject lot are at the rear of their respective lots, and as a consequence much of the east side facade of the proposed dwelling would be exposed. The Department understands there are no plans to replace these existing dwellings.

"Existing Height Limits and Land Use Classifications

"The subject lot and adjacent properties to the west, north and south are in an Interim 40-foot height district in which greater heights are possible if specifically authorized by the Planning Commission; however, property east of Leavenworth Street is subject to a flat 65-foot height limit under the existing North Beach 65 Foot Special Height Limit District No. 1.

"The subject lot is on the eastern boundary of the Russian Hill R-5 district; properties to the east are zoned R-4.

"Criteria for Buildings Exceeding 40 feet in Interim Height and Bulk Control B-3 District.

"The outline of interim controls adopted with the Commission's Resolution on August 26, 1971 to establish the subject height limit has the following criteria:

"The review by the Planning Commission for proposed point towers in the B-3 District on Russian Hill shall take into account the principles and policies of the Urban Design Plan, and especially the following:

- '1. A balanced relationship of the proposed height to that of other buildings and to the topography of the hill;
- '2. Conformity to the specified bulk controls;
- '3. Maintenance of a high ratio of height to width;
- '4. Use of less than the maximum permitted floor area ratio;
- '5. Significant spacing of towers on the hill;
- '6. Respect for the scale of design of nearby buildings;
- '7. Maintenance of sunlight to other properties; and
- '8. Other relevant criteria, such as preservation of natural features, protection of views, color, materials, accessibility, adequacy of off-street parking, and effect upon street facades.'

"The Urban Design element of the Master Plan recognizes Russian Hill as an 'outstanding and unique' area of San Francisco, characterized by 'a harmonious relationship of low, small-scale older buildings and tall slender towers.'"

Commissioner Porter recognized that the proposed development would be perfectly legal under the City Planning Code; however, she doubted that neighboring property owners had ever imagined that the single family dwelling occupying the site would be bulldozed to make way for an apartment building.

Commissioner Ritchie asked how the proposed building would affect adjacent residential structures. Mr. Passmore replied that any building having a height of 40 feet or even less would have a detrimental effect on at least one of the adjacent structures.

Jerry Thornton, architect for the applicant, stated that he had made every effort to work within the Urban Design Guidelines which had been recommended by the staff of the Department of City Planning; and he believed that he had kept the profile of the proposed building as low as possible.

Commissioner Fleishhacker asked if he were correct in understanding that the matter had been brought before the Commission only because a portion of the building would exceed the forty-foot height limit by a maximum of six feet. Mr. Passmore replied in the affirmative.

Commissioner Mellon asked if additional excavation would be possible so that the building would not exceed the forty-foot limit. Mr. Thornton replied in the negative. He stated that the bay windows proposed for the front of the building would be extremely important in preserving the flavor of San Francisco; and he remarked that it would not be possible to provide the required 10-foot clearance between the bay windows and the sidewalk if further excavation were undertaken.

North Baker, owner of three parcels of property located to the east of the subject site, stated that the plans for the proposed project were not as bad as they might have been; however, any building covering so much of the lot to a height of 40 feet would cast shadows on adjacent gardens and would create traffic and parking problems in the area. He stated that he would be willing to forego height on his property in order to preserve the character of the neighborhood.

Commissioner Ritchie asked if the architects for the applicant had worked with residents of the subject neighborhood in preparation of the plans for the project. Mr. Baker replied in the negative.

The Secretary stated that he had received telephone calls from Jack Nouax and Mr. Raddie, owners of the property located at 2112 Hyde Street, objecting to the height of the proposed building.

Betty Guilfoil, 2124 Hyde Street, stated that the project which was proposed would probably be the best which one could expect for the site. Nevertheless, it would cast her entire back yard in shadow and would take away her view of the bay.

Commissioner Fleishhacker inquired about the maximum number of units which would be allowed on the site and the maximum height which might be feasible. Mr. Passmore replied that 48 units could be provided on the subject lot under the R-5 zoning of the site. However, since it would probably be difficult to provide 48 off-street parking spaces on the site, it might not be feasible to construct the maximum allowable number of dwelling units. Height is ordinarily governed by a floor area ratio of 10.1 to 1; and, if that floor area ratio were the only factor involved, it might be possible to construct a 13 story building on the site.

Robert McHugh, the applicant, stated that he had discussed the proposed development with four neighboring property owners and had received their written or verbal approval of the proposal.

The Director offered his recommendation as follows:

"The criteria for allowing buildings over 40 feet within the Interim Height and Bulk Control B-3 District basically recognize the existence of slender towers on Russian Hill and the appropriateness of allowing new slender towers if properly sited and designed; however the criteria may also be applied to buildings which exceed 40 feet but which cannot be called slender towers. The subject proposal certainly is not a slender tower, and for this reason obviously does not meet criterion No. 3 above. Additionally, criterion No. 5 becomes irrelevant. However, with careful final detailing of the exterior of the building, the subject proposal can meet the remaining six criteria. The proposed dwelling is extremely close to being within the 40-foot limitation and will have no greater effect on adjacent properties than a 40-foot high building. At a density of one dwelling unit for each 403 square feet of lot area the proposed development is a relatively low intensity use of the subject R-5 lot.

"Thus, it is recommended that the applicant be authorized under the applicable regulations of the City Planning Code to construct a dwelling having a maximum of 15 dwelling units and not exceeding building heights depicted on the plans titled 'Filbert Street Property' by Frank L. Hope and Associates, Architects, dated September 20, 1971 and revised December 30, 1971 and filed with the Department of City Planning as 'Exhibit A'; on the condition that 1) the applicant and his architect shall consult with the Department of City Planning in developing final architectural design and treatment of all exposed building walls in a manner that will be visually attractive and compatible with adjacent dwellings; 2) the applicant and his architect shall reduce elevator and stair penthouses and parapet walls to the minimum heights required functionally, and under applicable Building Code provisions, for the

building depicted in 'Exhibit A'; 3) a minimum of two street trees shall be provided, and appropriate landscaping or other means be developed to screen the otherwise exposed rear yard parking; 4) final site and buildings plans, including location and type of street trees and rear yard screening materials, shall be approved by the Department of City Planning prior to filing for a Building Permit."

Commissioner Porter remarked that no one had envisioned the possibility that buildings such as the one presently occupying the subject property would be bulldozed when R-5 zoning was approved for the subject neighborhood in 1960. She did not feel that the proposed development would be unreasonable given the zoning of the site, she did feel that the building would be a blot on the beauty of the block. She observed that the matter would not have been brought before the Commission for review if the building proposed had been less than 40 feet in height; and she did not intend to encourage the proposed development by voting for approval of the extra height which was being requested.

Commissioner Rueda did not feel that the additional six feet being requested would be significant; and he pointed out that the Commission would have had no control whatsoever over the project if the forty-foot height limit had not been exceeded.

The Director felt that the development being proposed would harmonize in spirit with the types of buildings which already exist in the neighborhood; and he emphasized that the proposed development would fall significantly below the maximum which was permitted on the site. He felt that the project should be approved.

Commissioner Fleishhacker acknowledged that the residents of the neighborhood might not have expected to have a large apartment building constructed adjacent to their gardens; however, when property is zoned R-5 rather than R-2 or R-3, there is little that the Commission can do to prevent construction of large apartment houses even though the Urban Design Plan might specify that new buildings should be in scale with existing buildings. Under the circumstances, he did not see how the Commission could avoid inconsistencies between the Urban Design Plan and existing zoning in certain instances.

After further discussion it was moved by Commissioner Rueda and seconded by Commissioner Mellon that the draft resolution be adopted and that the building application be approved subject to the conditions contained in the draft resolution.

Commissioner Porter felt that it was unfortunate that neighboring property owners had not requested that the zoning of the area be changed to protect the character of the neighborhood. She was appalled by the fact that a 15-unit apartment building would be constructed on the subject site. She did not intend to encourage the development by supporting the request for additional height beyond the forty-foot minimum.

Commissioner Mellon inquired about the probable rental fees which would be charged for units in the proposed building. Mr. McHugh replied that the building would rent for approximately 45¢ per square foot per month. Therefore, the cost for two-bedroom units would range from \$400 to \$450 per month; and the cost of one-bedroom units would range from \$250 to \$280 dollars per month.

When the question was called, the Commission voted 5-2 to adopt Resolution No. 6802 and to approve the permit application subject to the conditions which had been recommended by the Director of Planning. Commissioners Finn, Fleishhacker, Newman, Mellon and Rueda voted "Aye"; Commissioners Porter and Ritchie voted "No".

Discretionary Review of Plans to Add Floor Space at Penthouse Level of High-rise Office Building Under Construction at the Southeast Corner of Main and Howard Streets in the C-3-S Zoning District and Under An Interim Height Control Limit of 240 to 400 Feet.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"The proposal for additional floor area to the new Folger Building Addition now under construction has been scheduled for consideration by the City Planning Commission under its power of discretionary review pursuant to Resolution No. 6746, adopted August 26, 1971, to implement the Interim Height and Bulk Controls. A portion of the proposed additional floor area will result in the technical addition of building height which falls within the height range for this part of the City subject to discretionary review.

"The present submittal has been made by Corwin Booth & Associated Architects prior to filing for the amended building permit that would be necessary for construction.

"Background

"Preliminary plans for the Folger Building Addition first were filed with the Department of City Planning February 26, 1970. On September 3, 1970 the City Planning Commission heard application CU70.82 for a parking garage to occupy the below-grade levels of this building and passed Resolution No. 6623 authorizing the use. On January 18, 1971 the Department of City Planning approved building permit application No. 392011 for construction of a 381,893.21 square foot Folger Building Addition at 211 Main Street.

"The Proposal

"The new application is brought about by the addition of lot 17, consisting of 6,187.5 square feet, to the southern end of the subject site. The additional site area will allow the addition of the proposed 28,400 square feet of floor area in mezzanine, storage, and penthouse office

space. It is the addition of the latter 2,500 square feet of penthouse office space which causes the application to be brought before the City Planning Commission today.

"Building permit application No. 392011 was for a building of 17 storeys, 252 feet 2½ inches in height, with a mechanical penthouse of 18 feet 11½ inches. There was no height limit for this area at the time other than the limits imposed by the floor area ratio limitations.

"Under the City Planning Code elevator, stair and mechanical penthouses, to a maximum of 16 feet, are exempted from height limitations, as well as gross floor area calculations. However, by the addition of the proposed office space within the penthouse, the entire area must be counted as a floor subject to any height limitations.

"The proposed penthouse office space, then, will have the effect of raising the building 16 feet in height. In that the Interim Height Controls are now in effect, the City Planning Commission must consider the implications of any additional height within the specified ranges.

"The subject property is in an area in which all buildings between 240 and 400 feet are subject to discretionary review. With the addition of the penthouse floor, the Folger Building Addition will be 271 feet, 2 inches high."

Commissioner Mellon asked if he were correct in understanding that the overall height of the building now being proposed would be no higher than the building which had previously been approved by the Department of City Planning. Mr. Passmore replied in the affirmative.

Richard Heidloff, architect for the applicant, stated that he did not feel that the plan changes would appreciatively effect the appearance of the proposed building. If anything, he believed that the changes would improve the appearance of the building.

The Director remarked that the only increase in height was the result of a technical planning code interpretation rather than additional footage; and, since the additional space which would be added to the top floor of the building would be of a minimal nature, he recommended that the revised plans be approved.

After further discussion, it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6803 be adopted and that the revised plans for the Folger Building Addition be approved.

Presentation of FACE Rent Survey Report.

Richard Gamble, Planner IV, presented and summarized this report which is available in the files of the Department of City Planning. Following the presentation, he responded to questions raised by members of the Commission.

Current Matters, Cont.

Commissioners Finn and Mellon, both of whom had arrived in the meeting room after the election of officers, requested that the record reflect their endorsement of the election of Mr. Newman as President of the Commission and of Mrs. Porter as Vice-President of the Commission.

The meeting was adjourned at 4:35 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 27, 1972.

The City Planning Commission met pursuant to notice on Thursday, January 27, 1972, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; James J. Finn, Mortimer Fleishhacker, Thomas C. Miller and Hector E. Rueda, members of the City Planning Commission.

ABSENT: John Ritchie, member of the City Planning Commission.

The Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Ralph Mead, Planner IV (Zoning); Marie Carlberg, Planner III; Edward Michael, Planner III; and Bruce R. Anderson, Acting Secretary.

Ralph Craib represented the San Francisco Chronicle. Donald Canter and Henry Kusserow represented the San Francisco Examiner.

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Finn and carried unanimously that the minutes of the meeting of December 2, 1971 be approved as submitted.

CURRENT MATTER

Allan B. Jacobs, Director of Planning, showed members of the Commission the John L. Merrill Award, which was presented to the Commission and staff at the eleventh annual SPUR Conference last Tuesday, for work on the Urban Design Plan. Commissioner Porter asked other members of the Commission if they had been advised of the SPUR Conference in the form of any special notice or letter. No member of the Commission acknowledged receiving any such notice.

The Director reminded Commissioners Finn, Fleishhacker and Porter that the Plan Implementation Committee would meet next Wednesday, February 2, at 2:45 p.m.

Mr. Jacobs then mentioned that a copy of the Department's Annual Report has been placed today before each Commissioner.

The Director stated that recommendations of the Department staff for permanent height and bulk controls, including both maps and legislation, will be presented to the Commission at the regular meeting of February 17. These controls are being developed pursuant to the Commission's resolution of August 26, 1971, which declared the Commission's intention to hold public hearings on height and bulk controls to implement the Urban Design Plan. Recommendations for specific maps and legislation were to be made by the staff within 6 months, and the February 17 presentation will meet that deadline.

Public hearings have been scheduled for these proposals, Mr. Jacobs added, and mailed notices are to be sent to all property owners in the city. Separate hearings will be held in four sections of the city, in the evening, starting March 16. Commissioner Porter said that she was quite certain that neighborhood groups would take an active part in these hearings, in order to present their comments on the proposed plans. Mr. Jacobs reminded the Commission that hearings of this sort were held in 1967, when amendments to the downtown zoning ordinance were being considered. As a result of these hearings, Mr. Jacobs noted, several changes were made to the initial staff recommendations. President Newman asked Mr. Jacobs if the proposed height and bulk limitations would not become, in effect, new controls at the time they are presented. Mr. Jacobs responded that the limitations will become new controls.

Commissioner Finn stated that he wished to congratulate the staff on the Department's Annual Report, especially given the fact that it was produced on a limited budget. Mr. Jacobs stated that the Annual Report cost \$400 in printing costs.

President Newman advised the Commission that he received letters this past week from PACT and from residents living on Russian Hill. Mr. Newman also wished to state for the record that today's Commission meeting marks the first absence in nine years for Lynn Pio, Secretary to the City Planning Commission.

7R2.2 - OCTAVIA STREET, WEST SIDE SOUTH OF BUSH STREET, SIDEWALK WIDENING.

Marie Carlberg, Planner III, presented the subject referral to the Commission. She said that along Octavia Street, on the sidewalk area bordering the San Francisco Eye and Ear Hospital, there are six large, old eucalyptus trees which have broken the curb and which are encroaching into the street. Miss Carlberg stated that the purpose of the proposed sidewalk widening is to protect the trees from automobiles and vice versa. The widening, she said, would extend from the existing 15 feet to 19 feet, nine inches, and will be adjacent to the Hospital property, a distance of 168 feet south of Bush Street. The parking and traffic patterns will remain as they now are on this relatively quiet street. This project, located in Western Addition Area A-2, was proposed by the Redevelopment Agency, which has a plan for reconstructing the sidewalk with a decorative pattern. She added that the African American Historical Society proposes to place a memorial plaque in the sidewalk to Mary Ellen "Mammy" Pleasant who reputedly lived on the site and planted the trees. Miss Carlberg also informed the Commission that several years ago, when there was a counter suggestion that they be designated as a landmark. However, with respect to this suggestion, the City Attorney ruled that the trees could not be so designated.

Commissioner Porter asked Miss Carlberg the names of those agencies involved in the sidewalk widening. Miss Carlberg responded that the Department of Public Works would have primary responsibility, but that other agencies, such as the Art Commission, also would be involved in the process.

Mr. Jacobs read the staff recommendation, requesting that the Director of Planning be authorized to report that the proposed widening of the west sidewalk on Octavia Street from 15 feet to 19 feet 9 inches for a distance of 168 feet south of Bush Street be found in conformity with the Master Plan. Commissioner Porter moved, and Commissioner Rueda seconded the motion, to accept the Director's recommendation. The Commission then voted unanimously in favor of this motion.

CONSIDERATION OF PROPOSED RESOLUTION FOR CERTIFICATE OF MERIT FOR LEVI STRAUSS FACTORY BUILDING (VALENCIA STREET).

Ralph Mead, Planner IV (Zoning), stated that the Landmarks Preservation Advisory Board has recommended unanimously that the Levi Strauss Factory Building be awarded a Certificate of Merit. Mr. Mead stated that he was quite sure that everyone in the room was at least familiar with the outside appearance of the factory building. Certainly most people have heard of this successful effort at rehabilitation within the city. Mr. Mead then introduced Mr. Whisler, representing the Landmarks Preservation Advisory Board.

Mr. Whisler first wished to introduce Mr. Johns, who was before the Commission representing Levi Strauss and Company. Mr. Whisler then pointed out that the Valencia Street Factory Building had received a John L. Merrill Award at the recent SPUR Conference.

Mr. Jacobs reported to the Commission that the Landmarks Preservation Advisory Board unanimously recommended that the Levi Strauss Factory Building on Valencia Street be awarded a Certificate of Merit on both historical and aesthetic grounds. He said that it was his pleasure to concur with this recommendation, to recognize a project which represents "urban renewal" in a very positive sense, and which demonstrates the commitment of Levi Strauss to the city and to the Mission District. The resolution before the Commission would authorize preparation of a Certificate of Merit, and accordingly, Mr. Jacobs called for approval of this resolution. He also wished to mention that the factory is a fun place outside, in addition to the excellence of its design and aesthetic quality. While one is there, he added, it is most worth while to journey inside the factory.

At this point in the proceedings, Commissioner Fleishhacker arrived and assumed his place at the Commission table.

Bud Johns, representing Levi Strauss, conveyed his gratitude to the Planning Commission and once again to the Landmarks Preservation Advisory Board for this award. Mr. Johns stated that the Levi Strauss Company is quite happy with what it has done, and that on this occasion members of the firm are happy to know that others recognize the importance of what has been done.

Commissioner Rueda moved, and Commissioner Fleishhacker seconded the motion, to accept the Director's report calling for approval of the draft resolution. The vote of the Commission was 6-0 in favor of this motion.

President Newman asked Mr. Johns if it might be possible to arrange for a tour of the factory building on Valencia Street. Mr. Johns nodded his concurrence. President Newman then asked the Acting Secretary to begin making arrangements for such a tour. Commissioner Porter stated that she thought that members of the Landmarks Preservation Advisory Board also should be included on this tour.

There being no further business to be conducted on this portion of the calendar, President Newman temporarily adjourned the meeting until the 3:00 p.m. hearing at City Hall, Room 282.

3:00 P.M. - Room 282, City Hall

JOINT MEETING OF THE SAN FRANCISCO PORT COMMISSION AND THE CITY PLANNING COMMISSION TO HEAR A STAFF PRESENTATION AND EVALUATION OF PUBLIC COMMENTS ON WATERFRONT PLANS

Walter S. Newman, President of the Planning Commission, welcomed Cyril Magnin, President of the San Francisco Port Commission, and Commissioners James Rudden and Samuel Husbands. Mr. Newman also welcomed members of the Port staff.

Mr. Newman then announced that the joint meeting of the City Planning Commission and the Port Commission was now in session. He said that it was with pleasure that he wished to welcome members of the Port Commission to this joint meeting. Mr. Newman stated that he believes that it is most fitting for members of both Commissions to have this joint meeting, as planning for the waterfront certainly is one of the most important issues now before the City. Mr. Newman then said that many people recently have become more concerned about the future of the Port and use of the waterfront in the years to come. He said that he regards this as a good sign; to him it says that people are increasingly more aware of the many problems which San Francisco continually must face. He said that he is pleased that so many people have taken their time, and in some cases their money, to assist, advise and make their thoughts known.

Mr. Newman stated that the purpose of this meeting is to hear a report by members of the Planning and Port staffs in their respective evaluations of the comments made at the public meeting held on October 28, 1971. Mr. Newman said that as everyone will recall, the Port and Planning Commissions heard many comments and proposals concerning the adopted plans, previous proposals and reports relating to the waterfront at the October 28 meeting. At the end of that meeting, and in accordance with the work program adopted by both Commissions, the staffs were directed to evaluate the comments heard at this public meeting, as well as those received in letters and in other documents, and thereafter to report to the two Commissions the resulting staff recommendations. President Newman then stated that he recently has had statements brought to his attention to the effect that some of the plans, proposals and comments submitted to the two Commissions were not being taken seriously. He said that a comprehensive review of comments and proposals was presented by the two staffs at a joint meeting of the Commissions' respective waterfront committees about two weeks ago. Mr. Newman stated that he also has reviewed the memorandum from the joint staffs which is before the joint Commission meeting today. He said that

it is obvious to him that the staffs have been diligent and sincere in assuring a complete review of all material presented. Mr. Newman then said that before asking Mr. Jacobs to proceed with the findings of the joint staffs, he wished to extend to Mr. Magnin or to any other Port or Planning Commissioner the opportunity to make a statement at this time.

Cyril Magnin, President of the San Francisco Port Commission, responded to Mr. Newman's invitation to respond by saying that the introductory statement Mr. Newman had just made conveyed clearly the background and the objective of today's hearing. Mr. Magnin then stated that it is his belief that all interested parties are striving for a unified San Francisco Port development, wherein the many objectives of the city may be realized.

Mr. Newman then called on Mortimer Fleishhacker, who has served as chairman of the two Commissions' waterfront committees when meeting in joint session. Mr. Fleishhacker stated that the waterfront committees reviewed the memorandum entirely while it was in draft form. He stated that the two committees made a couple of minor changes, and he wished to emphasize that these changes were minor indeed. Mr. Fleishhacker reported that there was no action taken at the time the joint waterfront committee covered this report. In the place of any formal action, however, the joint committee did state agreement with what the two staffs had said in their memorandum.

Mr. Newman addressed the audience, stating that as mentioned previously the purpose of this meeting is to hear a report from the two staffs. He said that this meeting is not a public hearing, and that it would seem premature for the public to make comments at this time as they have not yet had an opportunity to review the staff report. The report will be made available following this meeting. Mr. Newman also noted that before the Planning Commission could take any action whatsoever on the Master Plan, a public hearing is required. At such a time as a public hearing is held, statements by the public should be made. Mr. Newman then asked Mr. Jacobs to proceed with the staff report.

Allan B. Jacobs, Director of Planning, presented the following introductory statement to members of both Commissions and the audience:

"I think it would be appropriate at this time to review the progress to date of our joint study in view of the Work Program adopted by both Commissions. As you will recall, in May of last year the Board of Supervisors requested basically four things from both the Port and Planning Commissions. They were:

- "1. Assembly of all waterfront plans and reports into one document.
- "2. Determination of possible amendments to the Master Plan, and a Development Program indicating the means by which the Master Plan may be implemented.

- "3. Development of a detailed long-range Capitol Improvement Program for maritime and other public needs along the waterfront, and
- "4. Evaluation of future shipping needs of the Bay Area and projection of the needs of the Port of San Francisco.

"The first step was to develop a Work Program for the study. This was accomplished and placed before the Joint Waterfront Committees in early July at which time it was approved. Your staffs then undertook the gathering of all available reports and assembled them into one document. The annotated map on the wall is the result of that work. It was placed on display at the Department of City Planning on the first of October. Over 200 notices were sent to interested parties to that effect.

"On October 28, 1971, the public meeting, as mentioned earlier, was held and the staffs were directed to evaluate all comments and to make recommendations concerning possible Master Plan amendments first to the joint meeting of the Waterfront Committees of the Commissions and then to a joint meeting of the Commissions. That meeting was scheduled to be in December, but due to various causes we are now just about one month behind schedule.

"I would also observe that other work was scheduled to be undertaken concurrently with what I have just reviewed. This work included the Port facilities and Capitol Improvement Program, adopted by the Port Commission last week, a Master Plan for the Central Waterfront, and a development program for the entire waterfront. Work on the last two items has not been completed and may not be completed for two or three months, possibly longer.

"As President Newman has indicated, the report before you today is a comprehensive document covering in quite some detail all of the comments and proposals made at the public meeting as well as others submitted after the meeting. It is lengthy, but, its length, is necessary in order to set forth and evaluate properly all of the comments and proposals submitted. For the purposes of this meeting today, I have asked Mr. Steele and Mr. Sembler to summarize the report for this presentation."

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), presented the following statement to members of both Commissions and to the audience:

"As you will recall, there were many comments, proposals, and plans submitted at the October 28th hearing. The comments focused on three interrelated issues: trafficways, open space and development of non-maritime Port properties. In nearly all cases, comments were directed toward the Northern Waterfront area. We also have received a report from the Police Department regarding public safety. Many people have also

commented that they feel conditions have changed since the Northern Waterfront Plan was developed in 1968 and that the Plan should be revised to reflect those changes. There is no question that changes have occurred during the past four years, but for the most part these changes have been in the areas of expanded information, noticeable changes in shipping technology, re-evaluation of the Southern Crossing, the recent bond issue for Port facilities, and similar items. Where changes have occurred which indicate a revision of the Master Plan is in order, revisions should be made.

"At the hearing, two organizations, the Citizen's Waterfront Committee and San Francisco Tomorrow, submitted virtually new plans for the Northern Waterfront, even though in the presentation of the Committees' Report, it was indicated that it was primarily a feasibility study looking for ways to finance development of waterfront open space and recreation facilities.

"Prior to the submission of San Francisco Tomorrow's Plan, this organization also submitted detailed recommendations for modification of the text of the adopted Northern Waterfront Plan. These recommendations have been placed in context in the memorandum before you, and evaluated in the same way as other comments. The Plan submitted has also been reviewed and summarized in the memo with the intent of indicating the purpose and goals of the Plan. It would appear unnecessary to do so here today.

"Except for the Citizen's Waterfront Committee Report, all comments are grouped according to the four major plan elements involved. They are:

1. Urban design
2. Transportation and trafficways
3. Recreation and Open Space
4. Land Use

"It has been necessary to select for this presentation only those comments which seem to be of greatest importance or controversy.

"A. URBAN DESIGN

"PUBLIC COMMENT:

"Height limits on either side of the Ferry Building are excessive.

"STAFF EVALUATION:

"The specific regulations now in effect which control height and bulk are part of the City Planning Code and not the Master Plan. If changes are to be made, they can be dealt with at the time the height

WHEREAS, the Department of Social Services is authorized by the Social Services Law to provide for the care and protection of children who are in need of care and protection; and

WHEREAS, the Department of Social Services is authorized by the Social Services Law to provide for the care and protection of children who are in need of care and protection;

AND WHEREAS, the Department of Social Services is authorized by the Social Services Law to provide for the care and protection of children who are in need of care and protection;

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES, in and to the effect of the foregoing, does hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of Social Services:

IN WITNESS WHEREOF, the Commissioner of the Department of Social Services has hereunto set his hand and the seal of the Department of Social Services, at the City of New York, this _____ day of _____, 19____.

and bulk controls proposed in the Urban Design Plan are under consideration before the City Planning Commission and the Board of Supervisors.

"STAFF RECOMMENDATION:

"NO CHANGE.

"B. TRANSPORTATION

"PUBLIC COMMENTS:

- "1. Further use of the waterfront areas for roadways for non-recreational and non-local travel should be discouraged. Roadway construction in this area should be modernized to aid necessary traffic. The present difficulty of using the automobile as the prime mover of people between San Francisco and Marin should remain.
- "2. The Maritime Parkway should be eliminated. Traffic through the Northern Waterfront Corridor could be accommodated by having two lanes each direction on Bay Street, the Embarcadero and Battery Street.
- "3. Freeway Route 280 should not be connected with the Embarcadero Freeway.
- "4. The stub ends of the Embarcadero Freeway should be brought to grade.
- "5. The stub ends of the Embarcadero Freeway should not be brought to grade.

"STAFF EVALUATION:

"Excluding, of course, improved safety factors, we agree that 'the present difficulty of using the automobile as the prime mover of people between San Francisco and Marin should remain.' This policy is being actively pursued. The memo notes relevant items from a letter of 10 November 1971 by the Director of Planning to the State Division of Highways in regard to a proposal to widen the Doyle Drive approach through the Presidio to the Golden Gate Bridge.

"Trafficways proposed in the Northern Waterfront Plan represent an attempt to alleviate the onerous traffic conditions that are prevalent in the wharf area. There is no indication that these can be lessened save by orderly development of a hierarchy of streets designed to serve all vehicular and pedestrian needs in this area and east of Telegraph Hill, where underutilized property is destined for more intensive development.

"The efficient operation of Piers 9 through 35 requires that the Port be allowed greater use of The Embarcadero for its own purposes than now permissible due to its use by non-port traffic. The Maritime Parkway, by diverting non-port traffic, would permit this. Without the Parkway, the Port will be required to utilize The Embarcadero itself and continue movement of cargo across The Embarcadero to inland properties. The proposal to reserve four lanes of Embarcadero for through traffic and two lanes for port use is totally inadequate for port needs. Indeed, the present system of mixed traffic would serve port purposes better.

"If the stub ends of The Embarcadero were ramped to grade, the major effect would be both the virtual physical extension of The Embarcadero Freeway and the perpetuation of the elevated portion. The ramps, unless diverted inland in their descent to ground level, would interfere with the access to the piers to the north of Broadway. Vehicles traveling at freeway speed merging into the surface traffic of The Embarcadero would create a worse bottleneck than the situations previously referred to. If the ramps were to connect with the proposed Maritime Parkway, the Parkway would have to be moved further inland for the full length of the ramps to permit this. With ramp connections the Parkway would cease to be a parkway but rather would become a surface freeway. The most intensive pressure for increasing the capacity of the corridor from the Golden Gate Bridge to downtown San Francisco would result from excessively widening Doyle Drive at one end and ramping the stub ends of The Embarcadero Freeway at the other. With proper signalization and appropriate signing, the proposed trafficways systems of the Northern Waterfront Plan will adequately handle desirable local traffic flows in this area and around Telegraph Hill. Connecting Route 280 with The Embarcadero is another situation which would prolong the life of the elevated Embarcadero Freeway.

"STAFF RECOMMENDATION:

- "1. The stub ends of The Embarcadero Freeway should not be brought to grade.
- "2. Freeway Route 280 should not connect with the elevated Embarcadero Freeway.
- "3. Except for minor clarifications noted elsewhere, the trafficways proposals of the Northern Waterfront Plan should remain as adopted.

"PUBLIC COMMENT:

"The Master Plan does not indicate adequate vehicular access to the immediate Fisherman's Wharf area and Pier 45. The Plan eliminates The Embarcadero between Grant and Powell and removal of parking spaces

opposite the Wharf restaurants and replacement by a Plaza would work to the disadvantage of the restaurants and should not occur.

"STAFF EVALUATION:

"In the Fisherman's Wharf area there is an increasing conflict between pedestrian and vehicular needs, and the Master Plan attempts to resolve this by organizing streets and the use of streets into patterns convenient to both.

"The Transportation Systems Plan Map indicates only Taylor Street as providing access to Pier 45. Access should also be permitted via Mason and Powell and along the perimeter of the Plaza. These streets could also provide access to a parking facility under the Plaza, contingent upon its demonstrated feasibility. Extension of the cable car line into the proposed Plaza will, of course, result in thousands more people beginning or terminating their cable car ride directly opposite the restaurants at the Wharf rather than three blocks away. Parking in the Plaza area should be eliminated only when replacement parking convenient to the restaurants is provided, not before.

"The Embarcadero, between Grant and Powell, was eliminated to provide a pedestrian area along the shoreline, North Point Park, free of vehicular interference.

"STAFF RECOMMENDATION:

"Add the following to the Master Plan text: 'While it is intended that the Plaza be primarily pedestrian oriented, provision must be made at its perimeter for vehicular access to serve the wharf and adjacent uses. Consideration, dependent upon feasibility, should be given to a parking facility under the Plaza.'

"At the time development occurs relating to either North Point Park or the Port lands adjacent to the south, the question of continuing The Embarcadero between Grant and Powell should be reevaluated. In addition, the Plan Maps should be modified to reflect the access through the Plaza area.

"PUBLIC COMMENT:

"Remove all references to STOL Ports and Heliports.

"STAFF EVALUATION:

"Previous Helicopter service to the airport has been eliminated and the city is conducting studies to determine feasibility of a BART extension from Daly City to the airport.

"THE PROPOSED DELETIONS REGARDING A STOL PORT SHOULD BE CONSIDERED; THE PORT HAS RESERVED THE IMMEDIATE AREA INDICATIVE AS A POSSIBLE STOL PORT FOR SHIPPING AND A JOINT STATEMENT BY BOTH PORT AND PLANNING COMMISSION REFLECTS THIS.

"STAFF RECOMMENDATION:

"All references to specific locations for a Heliport or STOL Port should be deleted.

"C. RECREATION

"PUBLIC COMMENT:

"Proposed recreational and open spaces are inadequate in the Northern Waterfront Plan. A 30 to 50-acre Chinese community recreation area should be located in the Northern Waterfront.

"STAFF EVALUATION:

"Recreation and open space areas shown in the Northern Waterfront Plan are those that can realistically be expected to be developed during the next twenty years while Piers 9 - 35 remain active for cargo handling. These are both the maximum amount that could be reasonably expected and the minimum acceptable.

"If the Maritime Parkway is constructed, and if at a future time Piers 9 - 35 are phased out of use, the existing Embarcadero will no longer be necessary for traffic or port use and would be ideal for conversion to public open space as a catalyst for additional open space and/or commercial recreation on new or existing piers.

"Thirty to fifty acres for community recreation would not be undesirable in the Northern Waterfront; the question, however, is where is this area to be found: Forty acres occupies the area of 15 blocks (including streets) north of Market and east of Sansome. Because the Waterfront is unique and can only be experienced at the City's perimeter, i.e., it cannot be recreated inland, it must be available for the use and pleasure of the entire population and not restricted in any way.

"STAFF RECOMMENDATION:

"The goal of achieving maximum open space will be pursued in the Northern Waterfront. To this end, an alternate use for the Piers 9 - 35 area should be incorporated in the Master Plan and include the reservation of the existing Embarcadero primarily for open space contingent upon construction of the Maritime Parkway and future elimination of Piers 9 - 35 for cargohandling. Waterfront public recreational uses should not be reserved for special groups.

THE FIRST PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE SECOND PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE THIRD PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE FOURTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE FIFTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE SIXTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE SEVENTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE EIGHTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE NINTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE TENTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE ELEVENTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

THE TWELFTH PART OF THE HISTORY OF THE
REIGN OF THE EMPEROR OF THE EAST
AND THE HISTORY OF THE EMPEROR OF THE WEST

"D. LAND USE

"PUBLIC COMMENT:

"Conflicts between the Land Use Plan and BCDC should be resolved and BCDC regulations should prevail.

"STAFF EVALUATION:

"Because both BCDC and City Planning Code provisions must be met by developers where applicable, BCDC regulations will, for the time being at least, prevail where in conflict with Planning Code regulations. Be that as it may, we do not believe that BCDC regulations represent the best interests of San Francisco in the Northern Waterfront.

"Because of interpretations of provisions of the MC Atter-Petris Act, the conflict must be resolved through the courts or by the State Legislature.

"STAFF RECOMMENDATION:

"NO CHANGE.

"PUBLIC COMMENT:

"Is it not premature to develop specific physical plans for large maritime facilities in the Central Waterfront prior to the time when San Francisco's port needs are known in a context which relates them to port needs of the entire Bay Area?

"STAFF EVALUATION:

"It is premature to prepare specific physical plans for large maritime facilities in the Central Waterfront although areas are being held in reserve. These will not be planned in detail until the needs are more clearly defined. The reservation of areas for these facilities at this time permits reservation and planning of specific areas for recreational and open space uses.

"STAFF RECOMMENDATION:

"NO CHANGE.

"I would now like to turn to the Citizen's Waterfront Committee Report entitled 'What To Do About The Waterfront.' The Committee's retention of consultants to look into possible means of financing public open space and recreation facilities along the Waterfront, is indicative of the widespread and growing public interest in improving our environment. The Committee's efforts should be commended.

"From a planning point of view, this report presents some innovative ideas, though, to a considerable extent, many proposals fall within the framework of existing, adopted plans and other studies. Some cases in point are: provision of viewing areas between cargo handling piers where possible; private and public development replacing piers no longer necessary for cargo handling; and housing as a use in areas where piers are phased out of maritime use (though the report acknowledgeing BCDC would not allow this). We believe, however, that many proposals as shown, as well as the financial analysis, have some serious inconsistencies and errors. A few specific items should be noted as they are crucial to the basic concepts of the proposals.

"For example, the sketch plan indicates most of the piers between Union and North Point Streets retained for shipping. This is in accord with the adopted Master Plan and statements by the Port that these piers will be required for the next twenty years or more. The text, in contrast, says that most of these same piers are obsolete, surplus for maritime purposes, and should be replaced with public recreation areas. This is proposed to be achieved over a ten-year period, on a pay-as-you-go basis, utilizing a combination of leases for private development of Port property, and tax increments resulting from a redevelopment project. The latter would include private as well as Port land, and that there would be no cost to the City because the private land is already, to a large extent, cleared and no write down would be needed. The fact that this private land has been on the market for some time, and that several developers have attempted to work out feasible projects yet to date have failed to do so, belies that claim. Further, most of the land to be devoted to open space and recreation facilities within ten years, would not be available for twenty years or more. The ten-year period would appear to be somewhat unrealistic.

"The approach of using lease payments to pay for public open space along the Waterfront has merit, though perhaps not in the context used. In essence, the report seems to be saying that we can entice developers to pay high prices for leases in this area because of the beautiful park like surroundings, and then make use of the payments to create the beautiful surroundings. This would appear to be placing the cart before the horse. On the other hand, once the open space and recreation facilities are developed, some lease payments might well be utilized to cover maintenance costs for the public areas.

"The proposal to remove the elevated Embarcadero Freeway and place it underground is also in the adopted Master Plan. Bringing the freeway to grade at Broadway and dumping the freeway traffic into the four lane Embarcadero Parkway, would be, in fact, the mirror image of ramping down from the elevated freeway. As mentioned before, ramping to grade is an unacceptable solution. It should be noted that not only would traffic

The first of these is the fact that the world is becoming more and more integrated. This is due to a number of factors, including the growth of international trade, the development of new technologies, and the increasing mobility of people. The second factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response. The third factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world.

The fourth factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response. The fifth factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world. The sixth factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response. The seventh factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world.

The eighth factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response. The ninth factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world. The tenth factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response.

The eleventh factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world. The twelfth factor is the growing awareness of the need for global cooperation. This is due to the fact that many of the world's most serious problems, such as climate change and nuclear war, require a coordinated response. The thirteenth factor is the increasing power of the United Nations and other international organizations. These organizations are becoming more and more effective in promoting peace and stability around the world.

be increased on the Parkway, but the Parkway itself is placed at the precise location most desirable for the open space and recreational uses which could be created here, if and when the piers are phased out of maritime use. In this regard, the Committee's proposal, even though schematic in form, ignores the needs and realities of the present, and builds in costly, and perhaps irrevocable, impediments for the future.

"The same situation is even more clear in the sketches showing possible development between Broadway and Folsom. Here the development is predicated upon undergrounding the Freeway, complete removal of the elevated structure and elimination of the surface Embarcadero. The adopted Northern Waterfront Master Plan was developed with the basic assumption that if it were to be relevant, it must work with or without the elevated freeway; and it will. In the Committee's proposal, all suggested development South of Broadway, much of which is appealing at first glance, is totally contingent upon the undergrounding of this freeway, and for that reason, we cannot endorse the proposal.

"We have been told that this study is not to be construed as a plan but rather an exposition of ideas and a financial study based upon sketch plans which appear questionable at best. However, in that the report does restate and emphasize the unfilled desires of concerned people, particularly with regard to public open space and recreation facilities along the waterfront, it does, indeed, serve a major purpose."

Mr. Steele then introduced Eugene Sembler, Port Engineer, to present the Port's reaction to the Citizens Waterfront Committee Report.

At this point in the proceedings, Mr. Jacobs asked to be excused from the meeting because he was not feeling well.

Eugene Sembler, Port Engineer, addressed both Commissions and the audience and read the following prepared statement:

""Livingston and Blayney prepared for The Citizens Waterfront Committee a Report entitled 'What To Do About The Waterfront'. This Report, which Mr. Livingston himself characterizes as a 'concept' and not a 'plan', has design concepts well worth careful consideration. We do not criticize this aspect of the Report, but are in disagreement with the calculations based on assumptions which were not tested against practical City requirements and needs. Had they been so tested the Report might have taken a different direction.

"The Report gives the impression that surplus land not needed for maritime use can be developed for park use at no cost to the taxpayer. It advocates that the Port turn over all surplus land to some outside agency at a token rent because the assumption has been made that the Port does not need the outside revenue it gains from its land holdings.

The Report also assumes that because the tenant at Pier 94 must pay for the construction cost of that facility, the Port will be self-supporting. While the Port is now self-supporting it maintains this status by reason of non-maritime revenue and will need even more non-maritime revenue during the crucial modernization. If the Port fails to modernize there will not be sufficient outside revenue under any circumstances. If the Port does modernize it will need substantial outside revenue until the modernized facilities are fully operational. Even after such facilities are operational some outside revenue will be required, although the amount may not be as great as it will be in the critical period.

"At the present, the Port's administrative and operational costs attributable to the maritime facilities are divided among all of the maritime facilities. Pier 94 will absorb its share of these costs as well. The fact that the Port's maritime facilities require subsidy is in keeping with the basic theory that the purpose of a Port is not to make a profit but to generate commerce for the region. Competition by regions for commerce is great. All ports are subsidized in some manner. At the Port of San Francisco the subsidy is revenue from land holdings. The Port cannot be supported by current income, as the Waterfront Committee Report assumes. This will be particularly true during the construction period we are now facing and for a number of years thereafter, until the full transitions are made and we recover the business rightfully ours, which we have lost as a result of our presently inadequate facilities.

"If Livingston and Blaney had reviewed our current Bond Statement, they would have seen that the Port of San Francisco will find it necessary to increase current revenue from approximately \$12,000,000 to \$18,000,000 in the next ten years. Similar financial requirements were outlined in the A.D. Little Report. If the Livingston and Blaney concept were to be followed and the Port land is used for parks, it would be necessary to subsidize the Port by putting it on the tax roll (which would be a cost to the taxpayer) instead of permitting the Port to develop its revenue producing land and utilize this means to serve the maritime needs of San Francisco.

"The Report concludes that a private revenue producing development of 35% of the land available from the Port and from private acquisitions in the northern waterfront would permit a development of the remaining 65% of the lands as parks at no cost to the taxpayer. The figures used to justify this conclusion in the September, 1971 Report contained errors and were adjusted by a memo of November 16, 1971. We feel that even the adjusted figures can be questioned. The plan and figures are too vague to make a detailed analysis. We cannot tell specifically what Livingston and Blaney used as development areas or what might be built. We, therefore, have no way of reviewing their construction cost, income, or tax increase figures. We can, however,

question such things as the Report's basing its calculations on development of an office building over existing piers when it is contrary to the BCDC's current policies. We are not sure that any development within the framework of the BCDC's current criteria (which The Citizens Waterfront Committee has asked us to abide by) would yield \$9.00 per square foot on a million square feet of building structure. The Report's analysis is also based on a return from the various areas to the Port to maintain only its current income. As an example, in the Piers 1 to 7 area, the analysis proposes to return to the public entity \$176,000. This figure we believe was taken from our annual statement of 69-70. It does not take into consideration that the Port now has, without development, an income of \$314,000. annually in this same area. As a further comparison the Ferry Port Plaza proposal as originally conceived and approved by all agencies except the BCDC, would have returned to the Port \$470,000. annually from this area. In the Piers 31-33 area it appears that the Report proposes to buy lands at the base of Telegraph Hill or build platform over the water and develop a park on these areas for a total purchase and construction cost of \$10.00 per square foot. This appears to be a \$2,000,000. error in the calculations. The land would cost over \$10.00, the platform would cost \$12.00 to \$20.00 per square foot and the park development would cost over \$10.00 per square foot. We would also question the ability to purchase private land in the Telegraph Hill area for \$11.00 per square foot as proposed elsewhere in the Report.

"The Report points out that the San Francisco taxpayers are not willing to vote additional bonds for parks. The Report is offering a subterfuge in suggesting that the taxpayer instead of voting bonds for a park, would have to vote bonds for Port development thereby enabling the revenue producing lands of the Port to be used for park development. In assuming it costs the taxpayers nothing to develop the parks, the Report ignores the fact that if a \$2,500,000 tax benefit could be realized from development on the waterfront, this benefit could be a credit to the taxpayers and would save them money. In the calculations used to justify the construction of parks, only construction costs are considered and no consideration has been given for maintenance and operating costs both for the parks to be developed and for the Port itself.

"In reviewing development areas, the Report shows as its main revenue producing areas the Piers 9-35 portion of the waterfront. It advocates that their proposed program could be completed in ten years. This ignores the fact that the area would not be available for at least 20 years if then. Contrary to the Report, the piers in this area are not unusable and will be required for Port operation for at least 20 years. It also ignores the fact that The Embarcadero is also needed for a cargo handling area. The Report's authors are probably unaware of the fact that Piers 27-33, if they are to serve modern shipping needs, are considered a working unit and cannot be separated. We recognize that the Report was trying to show what

could be done in a typical area. We do not, however, know of any other Northern Waterfront area where Livingston and Blaney can create the same type of economic analyses for development that they were able to do by utilizing the Piers 9-35 area. To give serious weight to their proposal, we should add to their figures the cost of relocating the maritime facilities to another location.

"In addition to the two main points expressed above, there are several assumptions made by the Report that we mention in order that future discussion and consideration can be given to these assumptions. The Report says that renovated sheds could be used as an alternate revenue producing facility. It bases this analysis upon an office building. The office building of course would not be permitted under current BCDC policies. All of the piers not needed for maritime activity would require extensive substructure repair to last 10 years. Any analysis of such use of existing piers by the general public should include additional costs for repairs and strengthening to the substructure. It also would be necessary to either develop a higher revenue producing use by spending more than \$20.00 per square foot for renovation or to lower the \$6.00 per square foot revenue for the entire pier. Piers definitely could produce revenue and are doing so at the present time (i.e. Piers 1-7 have a current annual income of \$314,000.) We question only what the surplus revenue might be. The analyses assumes that a marina operation in the piers 10-14 area could have the construction cost offset by the revenue. Because of the need for a breakwater or other protection in this area, any marina would have to be subsidized by other sources.

"The Port of San Francisco must have additional income to continue to have a bonding capacity for the construction of maritime facilities if the Port is going to repay general obligation bonds without calling on taxpayer subsidy or is going to use Revenue Bonds. For Revenue Bonds, or even to protect general obligation bonds, the Port must find a financial cushion because shipping alone cannot produce a surplus to take care of costs during construction, strikes, and other economic problems common to port operation. The Port must have revenue equal to 1.3 times the annual debt service to issue additional Revenue Bonds and only 75% of any new lease is considered revenue for the purpose of justifying additional Revenue Bonds. As an example, the Port must have \$1,200,000 in income to service \$9,000,000 in revenue bonds even though the annual cost of the bonds is only \$750,000.

"While the Report does not substantiate its position on utilization of the Port's lands for park areas, the Report does advocate concepts that should be considered, as detailed plans for the waterfront are developed."

In Mr. Jacobs' absence, Mr. Steele read a concluding statement as part of the staff report:

"As the conclusion to this presentation, I would like to summarize the recommendations of the staffs. I would note that there were two major areas of interest: one, open space and recreation facilities; and two, trafficways and parking. I must also observe that in nearly all cases, opposing views were heard.

"With respect to open space and recreation facilities, we recommend no change in presently adopted plans, especially in the Northern Waterfront area. Those areas presently shown can realistically be expected to be achieved and are the minimum acceptable. This, of course, is based upon the retention of Piers 9-35 for at least the next 20 years. We do, however, recommend that an alternate use for the 9-35 area be included in the Master Plan which would emphasize retention of the existing Embarcadero and some piers primarily for open space and recreation facilities. This of course, dependent upon the construction of the Maritime Parkway as well as phasing out of port operations for most or all of Piers 9-35, excepting possibly the passenger terminal.

"In the Central Waterfront area, a Master Plan amendment should be prepared, as indicated in the Work Program. Much has been done towards this end by the Potrero Hill residents and Homeowners Council in consultation with the Port and Planning staffs. I should also note that last week the Port Commission adopted in concept the first phase of a two part study of public access in this central area. While much has been done, much remains to be done in this area.

"On the subject of trafficways, several recommendations are made:

- "1. Freeway Route 280 (The Southern Freeway) should connect with the Bay Bridge approaches but should not connect with The Embarcadero Freeway.
- "2. The northerly stub ends of The Embarcadero Freeway should not be ramped to grade.
- "3. Traffic directions on Sansome and Battery Streets should be reversed so that Sansome is Southbound and Battery Northbound.
- "4. It should be made more clear in the text and maps that vehicular access is to be maintained on the perimeter of the Plaza in the center of Fisherman's Wharf. The plan should also note the possibility of parking facility under the Plaza.
- "5. The elimination of Embarcadero between Grant and Powell should be re-evaluated at such time as development occurs relating to either North Point Park or the Port Land to the South of the Park.

- "6. All references to STOL Ports or Helicopter Ports should be deleted from the Plan.

"Finally, it has become increasingly evident that the Plan should contain more specific language with respect to open space areas, service/commercial areas and pedestrian-oriented streets in order to clear up some present confusion as to the intent of these terms.

"I would further recommend the following actions by the Port and Planning Commissions:

- "1. Both Commissions should accept the Report. This is not adoption, rather it is simply to receive the Report and authorize public distribution.
- "2. The Planning Commission should direct the staff of the Department to continue work on the Central Waterfront Plan and (with the staff of the Port) upon the development program.
- "3. The Planning Commission should direct the staff of the Department to prepare such documentation as may be required, based upon the recommended change indicated today, for a Master Plan amendment to authorize the Director of Planning to set a date for a public hearing on these changes to the Master Plan."

Mr. Steele then stated that Mr. Sembler had an additional remark to make at this time. Mr. Sembler stated that he simply wished to advise the Commissions and members of the audience of the availability of a report entitled "San Francisco Port Needs, Shipping, and Area Requirements." Mr. Sembler stated that this report substantiates and presents background on many of the points made earlier in the staff presentation.

Commissioner Fleishhacker moved, and Commissioner Magnin seconded the motion, to receive the staff report as presented this afternoon. The vote of the two Commissions was 8-0 in favor of this motion.

Commissioner Fleishhacker then moved, and Commissioner Magnin seconded this motion as well, to take the staff report under submission; to direct the staffs to continue their work on elements on the work program not completed; and to authorize the Director of Planning to prepare necessary documents and to set a date for a public hearing to be held at a later time.

Mr. Magnin noted that to carry out the wishes of the two Commissions as embodied in the foregoing motion would require a considerable time period. Mr. Rudden stated that his understanding of the motion is in effect that the two Commissions today have received the staff report and that the staffs are to continue work on required work program elements not yet completed. Commissioner Finn asked Mr.

Steele if the next meeting would be a joint public hearing of the City Planning Commission and the Port Commission. Mr. Steele responded in the affirmative, saying that recommended changes to the Master Plan would be made at such a time.

President Newman asked Mr. Steele if the staff memorandum is available today for circulation. Mr. Steele responded in the affirmative, and asked that those persons who wish to take copies of the staff memorandum to please fill out cards due to the limited number of copies of this memorandum.

Commissioner Magnin asked Mr. Steele if the next meeting on this subject necessarily would need to be a joint meeting of the two Commissions. Mr. Steele responded that this would not need to be the case.

Commissioner Porter asked Mr. Steele if more copies of the staff memorandum are to be prepared. Mr. Steele responded affirmatively, stating that more would be available tomorrow and that there would even be a greater number available next week.

Commissioner Rueda asked if future public hearings on this matter could be held at night. Mr. Newman responded that the hearing would be held whenever public convenience would be served.

By a vote of 8-0 the Commissions passed the motion made earlier by Commissioners Fleishhacker and Magnin, regarding actions today and those required in the future.

There being no further business, President Newman adjourned the meeting at 4:10 p.m.

Respectfully submitted,

R. Bruce Anderson
Acting Secretary

DIRECTOR'S COPY

SAN FRANCISCO CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 3, 1972.

The City Planning Commission met pursuant to notice on Thursday, February 3, 1972, at 1:30 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: John D. Crowley, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Daniel J. Sullivan, Planner III (Zoning); and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that the minutes of the Regular Meeting of January 6, 1972, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Commission that he had spoken to the Urban Planning Section of the Junior League Community Course Program on Tuesday evening.

The Director advised the Commission that he had met with the Downtown Association on Tuesday afternoon to discuss the staff's urban design height and bulk proposals.

The Director informed the Commission that he will tape a show for KCBS tomorrow on the Urban Design Plan which will be broadcast on Sunday at 8:30 a.m. and 7:30 p.m.

The Director informed the Commission that plans for a proposed development of the Petri Property on Russian Hill will be scheduled for discretionary review next Thursday, February 10, 1972.

The Director advised the members of the Commission that they have been invited to take a tour of the Valencia Street facility of Levi Strauss and Company on February 24, at 1:30 p.m. prior to the Regular Commission meeting scheduled for that date.

The Director reported that the Board of Supervisors, meeting on Monday had voted 9-2 to approve rezoning of property owned by the San Francisco Golf Course near Lake Merced from R-1-D to R-1; he indicated, however, that the matter will be reconsidered by the Board at its meeting next Monday.

The Director informed the Commission that the Landmarks Preservation Advisory Board, meeting on Wednesday, had approved a proposal to designate Jackson Square as an Historic District. He then recommended the adoption of a draft resolution which would declare the Commission's intention to hold a public hearing on Thursday, March 9, 1972, at 3:00 p.m. in Room 282, City Hall, to consider the proposed designation of Jackson Square as an Historic District and to consider related amendments to the City Planning Code. After discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6805.

The Director advised the Commission that he had appeared before the Legislative and Personnel Committee of the Board of Supervisors on Monday evening to request salary increases for the staff of the Department of City Planning.

Commissioner Fleishhacker reported on a meeting which had been held by the Chinatown Citizens Advisory Committee on Wednesday evening. He indicated that the Community planned to form an action group to pursue the construction of approximately 200 dwelling units on property located at Stockton and Sacramento Streets under the redevelopment process; and he anticipated that the Citizens Advisory Committee which had been appointed by the City Planning Commission would request to be disbanded after the final report on the Chinatown study had been reviewed next month since the work of the Committee would be completed. The new action committee would then take the place of the Citizens Advisory Committee.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

At 1:55 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 2:00 p.m. for hearing of the remainder of the agenda. Commissioner Ritchie joined the Commission at this point. Commissioner Mellon was temporarily absent from the meeting room.

2:00 P.M. - Room 282, City Hall

CU71.43 - 1130-1150 Sacramento Street, 132-138 Sproule Lane, and 1035-1045 Mason Street, northwest corner of Sacramento Street and Sproule Lane extending through the block from Sproule Lane to Mason Street between Malvina Place and Ewer Place.
Request for a 22-story home for the elderly containing 289 retirement residence units, a penthouse suite, meeting rooms, dining room, auditorium, an infirmary with 47 beds, a lobby and a parking garage and lot with a total of 100 off-street parking spaces; in R-4 and R-5 Districts.
(Postponed from meetings of October 7 and December 2, 1971)

Robert Passmore, Planner V (Zoning), stated that a letter had been received from Robert E. Patmont, attorney for the applicant, requesting that consideration of the application be further postponed until the Commission's meeting on April 6, 1972. The letter had also stated that a definite proposal for development of the site would be made at that time or that the application would be withdrawn.

Mr. Patmont, who was present in the audience, stated that the first postponement of the hearing had been requested to allow the applicant to reconsider the proposed use of the site and the design of the proposed building. The second postponement had been requested to enable residents of the neighborhood to study the feasibility of acquiring rights to the property; however, that effort had been to no avail. Thus, the owner of the property was now considering whether he wished to proceed with the proposed retirement complex, with a condominium apartment development, with a regular apartment building or with the hotel project which had previously been authorized by the Commission; and he had not yet reached a decision as to which of those alternatives would constitute the best and least harmful use of the property. For that reason, further postponement until April 6 was being requested; and Mr. Patmont assured the Commission that the applicant would be prepared to "fish or cut bait" at that time.

Commissioner Fleishhacker remarked that most of the people who had spoken in opposition to the applicant's proposal had objected to use of the site for housing for the elderly; and he wondered if the nature of the project which had been proposed would be somewhat similar to the Sequoias. Mr. Patmont replied that the proposed operation would be more similar to the St. Paul Towers project in Oakland and would be under the same management; however, the proposed facility would have no religious or charitable connection. While the proposed facility would be considered to be a "home for the aged" in terms of the Planning Code's terminology, the applicant preferred to regard it as a dwelling place for affluent elderly people who would do a considerable amount of traveling and who would be quite similar in all respects to present residents of the Nob Hill Community.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and reassumed his seat at the Commission table.

Stanley Herzstein, 1170 Sacramento Street, stated that he wished to protect the value of his apartment; and, in addition, he felt obligated to protect the interests of San Francisco as a whole. He did not believe that construction of a retirement home or a rest home on the subject site would be in the best interests of the City since the top of Nob Hill is one of the City's finest tourist attractions; and, under the circumstances, he did not feel that any advantage would be served by postponement of the application.

President Newman stated that he had just received a letter from Charles W. Fay, President of the Nob Hill Association, supporting the applicant's request for continuance.

The Director recommended that the applicant's request for postponement be granted.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that hearing of the subject application be postponed until the meeting of April 6, 1972.

CU71.46 - The two blocks bounded by Wallace and Underwood Avenues and Hawes and Griffith Streets; the block bounded by Underwood and Thomas Avenues and Griffith and Fitch Streets, and the easterly portion of the block bounded by Thomas and Shafter Avenues and Griffith and Fitch Streets.
Request for automobile dismantling on open lots; in an M-1 District.
(Postponed from Meetings of October 7 and December 2, 1971)

John Tolan, Mayor Alioto's Deputy for Development, advised the Commission that acquisition of an alternate site for the automobile dismantlers was being actively pursued; however, certain financial issues connected with the acquisition remained unresolved. Under the circumstances, he requested that consideration of the subject application be further postponed until the Commission's meeting on March 2, 1972.

After discussion it was moved by Commissioner Mellon, seconded by Commissioner Porter, and carried unanimously that hearing of the subject application be further postponed until the meeting of Thursday, March 2, 1972.

CU71.48 - Borden Dairy, 1325 Portero Avenue, 1401-1477 Potrero Avenue, 1458-1464 San Bruno Avenue; Potrero Avenue, east line, 98 feet south of 25th Street, a through parcel to San Bruno Avenue.
Request for a Planned Unit Development consisting of 320 dwelling units for low- to moderate-income families and elderly persons in low-rise buildings and including a community building; in an R-3 District.
(Under Advisement from Meetings of December 2, 1971, and January 6, 1972)

Robert Passmore, Planner V (Zoning), stated that the subject application had been filed by the Edenvale Construction Company and the Knudsen Corporation as co-applicants. He stated that the staff of the Department of City Planning had received a letter from Donald S. Kavanaugh of Edenvale Construction Company indicating the withdrawal of that company's interest of the subject proposal; and a telegram had been received from Wallace E. Dunn, representative of the Knudsen Corporation requesting that the Commission's hearing of the application be postponed until the meeting of March 2, 1972, to allow time for new plans to be developed. Mr. Dunn had further indicated that a Joint Venture consisting of his group and a non-profit corporation from the Mission Model Cities Agency is being considered. Mr. Passmore recommended that the hearing be postponed until the Commission's meeting on March 2.

Commissioner Fleishhacker asked if it was likely that revised plans would be available as early as March 2. Mr. Passmore replied in the affirmative.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that hearing of the subject application be postponed until the meeting of March 2, 1972.

ZM71.23 - 2601-2611, 2615-2617, 2619-2621, and 2645-2647 24th Street south line, between Potrero Avenue and Utah Street.
C-2 to an R-4 District.

(Postponed from Meetings of December 2, 1971, and January 6, 1971)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), noted that the attorney for the owner of one of the subject parcels of property had raised a question during the meeting of January 6 regarding the legality of the application; and the Commission had requested that the matter be referred to the City Attorney. The City Attorney had ruled that the application was not a perfected application in conformance with the City Planning Code. Subsequently, however, the Department of City Planning had received a letter from interested property owners endorsing the filing of the application; and, as a result, it was his opinion that the application was now perfected. He then referred to land use and zoning maps to describe the subject property which consists of four lots with a total area of 19,161 square feet. He stated that the application had been filed by the Mission Coalition Organization acting as the authorized agent of interested property owners; and he indicated that the application had requested that the property be reclassified from C-2 to R-4-C.

Robert Zolly, representing the Mission Coalition Organization, displayed and described a land use map which he had prepared of the subject neighborhood; and he indicated that the primary concern of his organization was to preserve the fourteen dwelling units which are now located on the subject property. He remarked that it is extremely difficult to develop new housing in the Mission District, especially housing which is comparable in cost to that which presently exists on the subject properties; and, since the Mission Coalition Organization had been working to provide housing over the Safeway store across the street and on the Borden site which is located only one block away, they felt that construction of an intensive commercial use on the subject properties would have a detrimental effect on the residential character of the neighborhood. If the property were rezoned to R-4-C, it would be possible to prevent development of the property with an intensive commercial use; and, at the same time, the R-4-C zoning classification would be consistent with the present development of the lots. Mr. Zolly stated that a petition had been submitted which had been signed by approximately 100 individuals in support of the application; and he urged that the application be approved.

No one else was present in the audience to speak in favor of the application.

Thomas Casey, attorney for the Rippe family, owners of one of the parcels of property included in the subject application, stated that it was his opinion that a new application should have been filed since the original application had been declared void by the City Attorney; and he did not believe that the letter which had been signed by property owners designating the Mission Coalition Organization

as their agent could give legal status to the original application. In any case, the letter which had been received by the staff of the Department of City Planning from the interested property owners designating the Mission Coalition Organization as their agent had referred only to the property owned by his client and not to the other parcels of property which had been included in the original application; and, therefore, he assumed that the Commission had no jurisdiction to consider the proposed reclassification of those properties. Mr. Casey also remarked that the applicant's statement contained in the revised case report which had been prepared by the staff of the Department of City Planning had indicated that the subject properties are located in a Model Cities area; and he felt that the Commission should be aware that the properties had been deleted from the Model Cities area by action of the Board of Supervisors on January 10, 1972. He also noted that a representative of the Mission Coalition Organization had advised the Commission during its hearing on January 6 that the subject application had been filed to prevent construction of a gasoline service station on the subject property; and he felt that the Commission had more suitable means at its disposal than "spot zoning" for preventing that type of development. The applicant's statement contained in the case report had implied that Federal funds might be available for acquisition of the subject properties; however, if the properties were to be rezoned as proposed, their values would be decreased. The applicant's statement had also suggested that the existing buildings might be demolished and that a new housing development might be erected on the site using the Federal 236 housing loan program; however, since his client had no intention of becoming involved in such a program, he regarded the subject application as nothing more than a bit of "polite blackmail". He urged that the application be disapproved.

Commissioner Ritchie felt that a new application should have been filed since the original application had been declared void by the City Attorney; and he did not believe that the letter which had been received by the staff of the Department of City Planning from interested property owners would be sufficient to reactivate the original application, especially since only the property owned by the Rippe family had been mentioned explicitly in that letter. He asked how many other parcels of property had been involved in the original application. Mr. Casey replied that three parcels of property which had been included in the original application had not been covered by the letter which had been received by the staff of the Department of City Planning.

Mr. Steele stated that it was his opinion that the application, while not originally perfected, was not void. He acknowledged, however, that the letter which had been received by the staff of the Department of City Planning did not cover all of the properties contained in the application; and, therefore, he felt that the application could be regarded as perfected only with regard to the property owned by the Rippe family.

Commissioner Fleishhacker observed that reclassification of only the property owned by the Rippe family would constitute a "spot zone".

President Newman suggested that the Mission Coalition Organization might wish to withdraw the subject application and to return to the Commission with a new perfected application.

Mr. Zolly felt that it would be preferable for the Commission to hold the application under advisement until it has been perfected.

Mr. Casey felt that proper procedure would require that a new application be filed.

Commissioner Porter asked Mr. Zolly if the Mission Coalition Organization still wished to have the subject properties reclassified even though they had been removed from the boundaries of the Model Cities area. Mr. Zolly replied in the affirmative, stating that the properties are an integral part of the Mission District even though they may not be within the Model Cities area.

Commissioner Ritchie felt that the Mission Coalition Organization should file a completely new application if it wished to have the Commission consider the proposal for the rezoning of the subject properties.

Commissioner Fleishhacker wondered if it would make more sense from a planning point of view to extend the proposed reclassification further eastward towards Vermont Street if a new application were to be filed. He felt that it might be better for the Commission to look at the neighborhood as a whole rather than to consider the proposed reclassification of individual properties as isolated cases.

Mr. Zolly asked if the Commission would be interested in initiating an application for reclassification of a larger area.

Commissioner Porter stated that the Commission had already rezoned a great deal of industrial land and commercial land for residential use; and she feared that the City might already have insufficient room for commercial and industrial expansion and development.

Mr. Zolly pointed out that the R-4-C zoning being requested would allow small-scale commercial developments on the subject properties.

Mr. Steele suggested that the two alternatives available to the Mission Coalition Organization were to request that the subject application be continued under advisement so that it could be perfected with regard to the other parcels of property or else to ask that the application be withdrawn so that a new application could be filed.

Mr. Zolly stated that he would prefer to have the subject application continued under advisement until it could be perfected.

Commissioner Mellon felt that the Commission should either approve or deny the application presently under consideration.

Commissioner Fleishhacker asked if the Mission Coalition Organization would be prevented from filing a new application for a period of one year if the application presently under consideration were to be denied. Mr. Steele replied that

the application had been perfected only with regard to the property owned by Mr. Casey's client; and he indicated that a new application could be filed at any time requesting reclassification of a larger area if the subject application were to be disapproved.

Commissioner Porter stated that any action which might be taken by the Commission would be subject to legal questions because the application had not been legally filed. Under the circumstances, she did not feel that she could vote for approval or disapproval of the application at the present time.

Commissioner Mellon agreed and suggested that the applicant should withdraw the application.

After further discussion, Mr. Zolly requested that the application be withdrawn.

Mr. Steele recommended approval of the request for withdrawal.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6806 be adopted and that the applicant's request for withdrawal of the application be approved.

CU72.4 - 141-143 Pierce Street, west line, 87.50 feet south of Haight Street.

Request for a day care center for not more than 40 children within the existing building; in an R-3 District.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), advised the Commission that the applicant had indicated orally that he wished to withdraw the subject application; however, since no written request for withdrawal had been received by the staff of the Department of City Planning, he recommended that the application be disapproved.

President Newman asked if anyone was present in the audience who wished to object to the staff recommendation for disapproval of the application. No one responded.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that Resolution No. 6807 be adopted and that the subject application be disapproved.

At 2:55 p.m. President Newman announced a five minute recess.

The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the agenda.

CU72.5 - Belle Avenue, south line, 273 feet west of St. Charles Avenue;
Belle Avenue, south line, 405 feet west of St. Charles Avenue;
and St. Charles Avenue, west line, 66.66 feet south of Belle Avenue.

Request for authorization for three access driveways to a 140 unit apartment complex proposed to be constructed in Daly City on property bounded by the Southern Freeway, Junipero Serra Boulevard, and the County Line.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that the applicant had indicated that he had addressed a letter to the Commission requesting that hearing of the subject application be postponed to enable redesign of the proposed project at a lower density; however, the letter had not yet been received by the staff of the Department of City Planning.

Edgar Thrift, representing the applicant, confirmed that a special delivery letter requesting postponement of the hearing had been mailed on the previous day. Since the applicant wished to be represented by legal counsel, and since he was presently in the process of changing lawyers, Mr. Thrift urged that the hearing be postponed for 30 days or 6 weeks.

Robert Phillips, 376 Chester Avenue, stated that all residents of the neighborhood, with the exception of one, were one-hundred per cent opposed to the applicant's proposal. He indicated that streets in the area are only 29 feet wide; and he emphasized that the streets are too narrow to accommodate two-way traffic. Furthermore, he did not believe that the 140 parking spaces proposed by the applicant would be sufficient; and, as a result, both residents of and visitors to the proposed project would eventually park on streets in the subject neighborhood.

John H. McLean, 379 Chester Avenue, submitted a petition which had been signed by residents of the neighborhood in opposition to the applicant's proposal. He stated that he had discussed the proposed development with the Fire Department; and he believed that the wood home buildings, which will be more congested than Chinatown or New York City, would definitely pose a fire hazard. He anticipated that San Francisco would be required to handle sewage from the development; and he noted that the City already has a waste disposal problem. He also remarked that there may be a jurisdictional problem relating to garbage collection from the site.

Mrs. Edward Long, 63 Belle Avenue, stated that the right-of-way of Belle Avenue is only 29 feet wide; and, as a result, the traffic which would be generated by the proposed development would create an undesirable situation. She stated that she was one-hundred per cent opposed to the proposed development.

Allan B. Jacobs, Director of Planning, felt that the residents of the subject neighborhood should be aware of the staff of the Department of City Planning's opinion of the subject application even if the applicant's request for postponement

were to be approved. He stated that it would be difficult for the staff of the Department of City Planning to recommend approval of the application to permit access and egress for the proposed development unless the development were to be limited to an R-1 density.

Commissioner Porter, noting that members of the Commission had taken a field trip to the subject neighborhood; stated that it was her opinion that use of residential streets in the area for access or egress for any development whatsoever would be prejudicial to the neighborhood.

Commissioner Ritchie stated that he was in agreement with the position which had been taken by Commissioner Porter.

Frank Prehn, son of the owner of property located at 89 Belle Avenue, felt that the pedestrian bridge which had been constructed to connect the subject neighborhood to the BART station on the other side of the freeway would generate far more traffic than the proposed development; and he remarked that the access road to the proposed project would have a width of 50 feet.

President Newman asked Mr. Thrift if he still believed that a postponement would be beneficial in spite of the Director's recommendation. Mr. Thrift replied in the affirmative, indicating that the applicant wished to have an opportunity to make a professional presentation of his proposal to the Commission. He requested that a postponement of six or eight weeks be granted.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that hearing of the subject application be postponed until the meeting of April 6, 1972.

ZM71.18 - All R-4 and R-5 properties in the area bounded generally by Fulton Street on the north, Baker Street, Haight Street, and Buena Vista Avenue West on the east; Upper Terrace, Grattan Street, and Parnassus Avenue on the south; and the mid-point between Arguello Boulevard and Willard Street, Frederick Street and Stanyan Street on the west.
R-4 and R-5 to an R-3 District.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that this matter had appeared on the Commission's agenda because official notice of the hearing had been published in the official advertising newspaper. However, before notices were sent to individual property owners as required by the City Planning Code, the staff of the Department of City Planning had discovered omission of property owners' names in the material which had been submitted by the applicant; and it had proven to be impossible to correct the omissions in sufficient time to give notice to property owners. Since no individual notices had been sent to property owners as required by the City Planning Code, the matter

could not be heard by the Commission. Mr. Steele stated that the proposed reclassification will be scheduled for hearing on March 2, 1972; and he indicated that the required notice will be given for that date.

The meeting was adjourned at 3:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting, held Thursday, February 10, 1972.

The City Planning Commission met pursuant to notice on Thursday, February 10, 1972, at 2:15 p.m. in the Meeting Room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Robert Passmore, Planner V (Zoning); Ralph Mead, Planner IV (Zoning); Calvin Malone, Planner III; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; and Donald Canter represented the San Francisco Examiner. Several television and radio stations were represented, also.

APPROVAL OF MINUTES

After discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried unanimously that action on the minutes of the meeting of January 13, 1972, be postponed until the meeting of February 17, 1972.

After further discussion, it was moved by Commissioner Ritchie, seconded by Commissioner Mellon and carried unanimously that language which had been prepared by the staff of the Department of City Planning for Resolution No. 6799 be reviewed by the Commission during its meeting on February 17. The resolution had been adopted by the Commission to approve Building Permit Application No. 398496 for apartment buildings to be constructed at 1150 Lombard Street between Hyde and Larkin Streets.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reminded the Commission of the League of California Cities' Institute for Planning Commissioners to be held February 23-25 in San Jose.

The Director advised the Commission that a law suit has been filed against the Department of City Planning, the Commission, and other City agencies by the Marine Engineers Beneficial Association, the owner of property located at 340 Fremont Street. The suit involves the proposed construction of a P.G. & E. substation on the southwest corner of Folsom and Fremont Streets for which a floor area ratio variance was granted and a revocable permit was issued for encroachment on a 12-foot alleyway which leads to the Marine Engineers' property.

FEBRUARY 10, 1972

Following a report and recommendation by the Director, it was moved by Commissioner Rueda, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6808 be adopted to authorize the Director of Planning to prepare an application for Federal grant assistance under the Open Space Land (Legacy of Parks) Program.

President Newman asked if the staff of the Department of City Planning had had an opportunity to review the new height limit initiative which is being proposed for the June ballot. The Director replied that the Department had received a copy of the initiative together with a copy of a letter which had been sent to the City Attorney asking for advice as to the legality of the language contained in the initiative. He stated that the staff of the Department of City Planning had not completed its review of the initiative; however, it seemed to call for a 160-foot height limit in the Downtown area and for a 40-foot height limit throughout the remainder of the City. The Commission requested that it be kept advised on this matter.

Consideration of proposal to designate the House of the Flag, 1652-56 Taylor Street, as a Landmark.

Ralph A. Mead, Planner IV (Zoning), noted that this matter had been calendared for consideration by the Commission at its meeting of December 9, 1971; however, it had been returned to the Landmarks Preservation Advisory Board for further consideration at the request of the owner of the property. During the interim, the owner of the property had advised the Landmarks Preservation Advisory Board that retention of the House of the Flag would not be feasible if the potential development being considered were to be undertaken on the site. The Landmarks Preservation Advisory Board had then voted to return the matter to the City Planning Commission with a recommendation that the House of the Flag be designated as a Landmark; however, the Board had modified its original recommendation by reducing the amount of land involved in the proposed designation to that which is actually occupied by the building. Mr. Mead then described the historical, architectural, and aesthetic characteristics of the building, emphasizing that it is one of the few buildings in the subject neighborhood which survived the earthquake and fire of 1906.

Donald Stover, President of the Landmarks Preservation Advisory Board, emphasized that the original portion of the building was constructed around 1860 and that the remainder of the building was constructed in 1903; and he advised the Commission that the members of the Landmarks Preservation Advisory Board felt strongly that it should be designated as a Landmark because of its true historic significance.

Jesse Grove, attorney for the owner of the subject property, stated that all possibilities for retention of the building had been investigated, but no solution had been found to the problem. He stated that his client was in opposition to the proposed designation of the building as a Landmark; and he indicated that his client had been advised by his architects that the proposed designation or retention of the building would reduce by approximately 50% the income which would be obtained from the new development on the site since the amount of density allowed would thus be

restricted. Furthermore, Mr. Grove did not feel that the subject building meets the criteria upon which the Landmarks Ordinance was based. Those criteria included promotion of tourist trade, preservation of buildings of significant architectural merit, preservation of reminders of past eras, etc. Most of those criteria were visually oriented, and he did not feel that the subject building has any visual or architectural merit. He also noted that the building had not been pictured in Here Today, although it had been mentioned in that book. He stated that the owner of the property had not been aware of the historical significance of the building when he purchased it; and, with only one exception, support for the proposed designation had come only from tenants of the building or their relatives. Mr. Grove believed that the subject building had no visual significance at the public and he felt that the legend of the flag is not generally known or identified with the house. Furthermore, he advised the Commission that the legend of the flag has several versions. While the case report which had been prepared for the Landmarks Preservation Advisory Board related that the house had been saved from the fire because the 20th Infantry had noted the flag flying and felt that such patriotism should be rewarded, he had heard two alternate versions of the legend. One of the versions indicated that the building had been saved because the soldiers had been told that a general lived in the house; and another version held that the house had been saved by the Fire Department because of a belief that it was Federally-owned property. In any case, he did not feel that the legend was well known or significant to the populace. However, if the building were to be designated as a Landmark, he hoped that the amount of land to be involved would be limited to that which is actually occupied by the building as was recommended by the Landmarks Preservation Advisory Board in its modified recommendation.

Commissioner Porter asked Mr. Grove if he understood that a permit for demolition of the building could be delayed only 6 months by the City Planning Commission and an additional 6 months by the Board of Supervisors even if it were to be designated as a Landmark. She remarked that the purpose of the delay would be to provide an opportunity for other individuals or groups to purchase the property and to preserve the building. Mr. Grove replied that he was familiar with the terms of the ordinance; however, since he believed that the delay involved would be detrimental to his client, he was not in favor of having the building designated as a Landmark.

Commissioner Ritchie asked about the size of the entire parcel of property owned by Mr. Grove's client and inquired about the type of development which he intended to construct on the site. Mr. Grove replied that the total parcel of property contains 25,000 square feet. While the plans for the proposed development were still quite preliminary in nature, the development would probably be in accordance with the R-4 zoning of the site.

President Newman asked if the House of the Flag is occupied by the owners of the property. Mr. Grove replied in the negative, indicating that the house had been split up into several apartments.

Mrs. Ginger Lowe, 906 Green Street, stated that she had lived in the subject neighborhood for approximately 20 years and that she was very familiar with the subject building. She stated that neither she nor her neighbors had ever heard the building referred to as "the House of the Flag"; and, in addition to being in a terribly delapidated condition, the house has long had an undesirable reputation. She doubted that the building could be rehabilitated; and she saw no reason to designate it as a Landmark.

Allan B. Jacobs, Director of Planning, recommended the adoption of a draft resolution which he had prepared to approve the proposed designation of the House of the Flag as a Landmark, primarily on historical grounds. He noted that final approval of the designation would require action by the Board of Supervisors.

Commissioner Fleishhacker stated that he intended to vote against the proposed designation of the building as a Landmark. He did not regard the building as being an architectural gem; and, having read the St. Nicholas Illustrated Magazine as a child, he was convinced that the legend of the flag which had been related in that magazine was a fanciful story.

Mrs. Peter Platt, a member of the Landmarks Preservation Advisory Board, stated that the story of the flag which had been carried in the St. Nicholas Illustrated Magazine of July, 1908, had been written by members of the family who had lived in the house; and, because of extensive conversations which had been recently held with the members of the family concerning the house, she was convinced that the original story of the flag was not fictitious even though other versions of the story might have been invented since 1906. She stated that the historical significance had been discussed with the owners of the property when Here Today was being prepared; and she felt that the building should be designated as a Landmark, particularly since plans were being prepared for development of the property. With regard to the question of economics which had been raised by Mr. Grove, she remarked that the Landmarks Preservation Advisory Board had suggested to the owner's architect that retention of the building might not seriously affect the floor area ratio allowable for any new development to be constructed on the remainder of the site.

After further discussion it was moved by Commissioner Ritchie and seconded by Commissioner Finn that the proposal to designate the building as a Landmark be approved. When the question was called, the Commission voted 4-3 to adopt Resolution No. 6809 and to approve the proposal to designate the House of the Flag as a Landmark. Commissioners Finn, Newman, Porter and Ritchie voted "Aye"; Commissioners Fleishhacker, Mellon and Rueda voted "No".

At 3:00 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:15 p.m. for hearing of the remainder of the agenda.

3:15 P.M. - Room 282, City Hall

Discretionary Review of Building Application No. 405819 proposed 58-unit apartment complex, east side of Hyde Street between Lombard and Chestnut Streets. Review required under interim height and bulk controls.

Commissioner Finn noted that the applicant, Louis Petri, is a member of the Public Utilities Commission; and, insofar as he serves in his own job at the pleasure of the Public Utilities Commission and the Manager of Utilities, he intended to abstain from voting on the subject application to avoid being accused of bias. Furthermore, because of the chance that his presence might prejudice other members of the Commission or impede members of the audience in making their presentations, he asked to be excused from the remainder of the meeting. The request was granted by President Newman, and Commissioner Finn absented himself from the meeting room.

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"Scheduled for review today under the City Planning Commission's discretionary review powers is Building Permit Application No. 405819 for a site permit for a high-rise apartment building on the east side of Hyde Street between Lombard and Chestnut Streets, Lot 22 in Assessor's Block 68. Discretionary Review is required for the proposed building, which would be 298.5 feet above curb level at the mid-point of the Lombard Street facade of the proposed tower, due to the location of the site within the Interim Height and Bulk Control B-3 District where under Commission Resolution No. 6746 a height limit has been established on the top of Russian Hill of 40 feet, with a greater height possible up to an absolute maximum of 300 feet with specific Commission approval.

"The Proposal

"The site permit application has been filed by Botsai Overstreet Associates, architects and agent for the owner of the subject site, Mr. Louis Petri. The subject site is steeply sloping, having a frontage of 275 feet along Hyde Street and 85 feet on Lombard and Chestnut Streets, and a lot area of 24,659.75 square feet. The proposed development consists of a high-rise tower toward the Lombard Street end of the site and four low-rise townhouses toward the Hyde Street end of the site, both over a partially below grade parking garage. The tower would consist of a lobby at the ground level below 27 floors of residential occupancy containing of a total of 54 two- and three-bedroom dwelling units. The rectangular-shaped tower would have a width of 80 feet along Hyde Street, a depth of 66 feet, and a diagonal dimension of 104 feet. The tower would be setback from Lombard Street 30 feet, from the east property line a minimum of eight feet, and from Hyde Street 11 feet. The tower would be separated from the proposed four townhouses by a 85-foot wide space that would be developed as a carriage entrance having vehicular access from Hyde Street, and which would serve as the major pedes-

trian entrance for both the tower and the townhouses. Twenty covered off-street parking spaces for use by residents of the townhouses and by visitors to the townhouses and the tower would have access from the carriage entrance; 100 additional covered off-street parking spaces are proposed in the four levels, partially below grade parking garage having access at two points along Chestnut Street. The exterior of the tower would be basically alternating light colored prefabricated cementitious panels and recessed decks. Definitive floor plans and elevations for the proposed townhouses have not been filed with the site permit. At the Chestnut Street end of the site the parking garage would be essentially above grade, and would result in walls along Hyde Street up to 20 feet high and along Chestnut Street up to 32 feet high. The upper levels of the garage are terraced back from Chestnut Street to form the base for the four townhouses. The proposed development would require demolition of the existing two single-family dwellings at the Lombard Street end of the site, and the removal of most of the existing plant materials on the site. However, the existing brick wall along Lombard Street, a portion of the hedge along Hyde Street at the northern end of the site, trees located on an easterly protuberance of the basically rectangular site, and most of the adjacent street trees would be preserved under the proposal.

"Zoning Provisions

"The provisions of the R-5 Highest Density Multiple Residential zoning district applicable to the subject site would allow development with up to 197 dwelling units and a floor area ratio of 12.5 to 1, including corner premiums. This maximum permitted development is substantially greater than the proposed 58 dwelling units and floor area ratio of approximately 5.73 to 1. If zoned R-4, a maximum of 123 dwelling units would be permitted on the subject site and maximum floor area ratio of 5.83. If zoned R-3.5 the subject property could be developed with up to 40 dwelling units, and could not exceed a building height of 40 feet.

"A rear yard of 20 feet is required on the subject site, and a maximum lot coverage of 88% is permitted. The proposal provides a 12-foot building setback from Chestnut Street, and with street area that may be counted as part of a rear yard due to the double frontage aspect of the subject lot, thus minimum rear yard requirement of the City Planning Code is met. The proposed lot coverage, including all of the garage structure is approximately 84%.

"The Planning Code requires a minimum of one off-street parking space for each dwelling unit and allows a maximum of 1.5 parking spaces per dwelling unit; although a greater number of parking spaces could be authorized as a conditional use community parking garage. The proposed 120 off-street parking spaces represents 2.07 spaces per dwelling unit, and without authorization of a conditional use the proposed 58 dwelling units would be permitted a maximum of 87 off-street parking spaces. An application for a conditional use community parking garage has not yet been filed.

"Interim Height and Bulk Controls

"The proposed tower height of 298.5 feet is very close to the maximum height of 300 feet which the City Planning Commission may approve in the B-d district under its discretionary powers. The proposed building length of 80 feet and diagonal dimension of 104 feet is less than the maximum length of 110 feet and diagonal of 140 feet permitted in this district. The townhouses are proposed to be between 40 and 50 feet high at the centerline of these buildings as measured from curb level at facades facing Hyde Street.

"Resolution No. 6746 establishing the B-3 Interim Height and Bulk Control District sets the following criteria for the Planning Commission in reviewing buildings over 40 feet:

- '1. A balanced relationship of the proposed height to that of other buildings and to the topography of the hill;
2. Conformity to the specified bulk controls;
3. Maintenance of a high ratio of height to width;
4. Use of less than the maximum permitted floor area ratio;
5. Significant spacing of towers on the hill;
6. Respect for the scale of design of nearby buildings;
7. Maintenance of sunlight to other properties; and
8. Other relevant criteria, such as preservation of natural features, protection of views, color, materials, accessibility, adequacy of off-street parking, and effect upon street facades.'

"Elsewhere, the outline requires that the Commission consider the specific height proposed 'in relation to topography, skyline, views, land uses, other height limits and height control ranges in the area, and the scale and character of existing development.'

"These criteria reflect the Urban Design Element of the Master Plan which establishes a prevailing height of 40 feet for Russian Hill, but treats point towers as an exception to the prevailing rule in recognition of Russian Hill as an 'outstanding and unique' area of San Francisco, characterized by a harmonious, balanced relationship of low, small-scale older building and tall, slender towers.

"The Urban Design Plan places hearing emphasis upon the process of review and upon the cooperative efforts of developers, the Department staff and neighborhood organizations. In this light Department staff issued in April 1971 recommendations for the development of the site, copy attached to this memo as an addendum, and representatives of the owner have met numerous times with Department staff to review a number of alternate proposals before deciding upon the scheme scheduled for review today.

"The Department staff understands the owner has met with residents of the neighborhood to discuss his proposed plans.

"Proposal to Make the Site a Landmark"

"On November 30, 1971, the Lombard Hill Improvement Association wrote to the Landmarks Board asking for the opportunity to show need for a study leading to designation of the subject site as a Landmark, and on December 1, 1971, that Association and other residents of Russian Hill, appeared before the Landmarks Board to present preliminary research on the buildings and site. The Landmarks Board voted to take the matter of initiation of designation of 1098 Lombard as a Landmark under advisement.

"Subsequently, research on the property and buildings, compiled by historian Edward Bielski was presented to the Secretary of the Landmarks Board, and on January 19, 1972, spokesman for the Lombard Hill Improvement Association, Russian Hill Improvement Association and other Russian Hill residents, as well as representatives of the San Francisco Opposition, San Francisco Tomorrow and Richmond Environmental Action, appeared before the Landmarks Board to urge initiation of designation of the property as a Landmark. Various speakers cited historical, architectural and aesthetic interest and value of the property and existing development. Spokesmen also indicated the desire and intention to purchase the property from the current owner in order to preserve it. The Landmarks Board unanimously directed the Secretary to prepare a case report on the site and to notify the property owner that the Landmarks Board was considering designation of the site as a Landmark.

"On February 2, 1972, Mr. Theodore Kolb, attorney for Mr. Louis Petri, owner of the property, appeared before the Landmarks Board to question material presented by supporters of Landmark designation. Mr. Kolb stated that the house has no architectural merit and that historical research revealed nothing of Landmark significance. He further noted that no one had approached Mr. Petri in regard to purchase of the property, but that Mr. Petri would so offer it for purchase to those interested in preservation and had so offered to Mr. James Ludwig, a neighbor and member of the Lombard Street Association.

Under the terms of the offer, Mr. Petri agreed to halt any planning for apartment development on the site if he is paid \$150,000 within 30 days, and the balance of the asking price of \$1.1 - \$1.2 Million within the following 60 days. The Landmarks Board tabled further consideration for three months.

"Existing Development and Zoning in Vicinity

"The subject R-5 site is the northeast corner of the Russian Hill R-5 district. Adjacent to the east of the subject site and facing across Chestnut Street is an R-1 zoning district primarily developed with single-family dwellings. Most of the eastern property line of the subject site abuts the rear yards of single family dwellings that front on Montclair Terrace, a cul-de-sac street, having access from Lombard Street downhill from the subject site. The lot fronting on Lombard Street immediately east of the subject site is zoned R-3 and occupied by a single-family dwelling.

"Lombard Street between Hyde and Leavenworth Streets is the famed 'Crookedest Street in the World,' and Hyde Street is the route of the Hyde Street Cable Car.

"The majority of the existing R-5 zoned buildings in the vicinity are low-density and low-rise in character. However, 148 feet south of the subject site are the 6 unit, 120-foot high 2240 Hyde Street apartments and the 10 unit, 170-foot high 2238 Hyde Street Apartments, 255 feet to the northwest of the subject site is the 84 unit, 135-foot high 1000 Chestnut Street Apartments. The nearest tower of the proposed 343 unit, 1150 Lombard Street Apartments is 198 feet west of the subject site.

"Immediately southwest of the subject site is a reservoir covered by public tennis courts."

Louis Petri, the applicant, stated that his attorney and architects would make a presentation in his behalf. He indicated, however, that he would be willing to answer any questions which might be raised by members of the Commission.

Theodore Kolb, attorney for the applicant, stated that his client had instructed his architects to develop their plans in accordance with the letter and the spirit of the Urban Design Plan; and he believed that the instruction had been fulfilled. He stated the plans for the project would provide a 30-foot set-back on Lombard Street; and he indicated that the set-back area would be landscaped to harmonize with the landscaping on Lombard Street. He stated that the density of the project would be approximately 71% below the maximum density allowed by the R-5 zoning of the property; and, in fact, the density would be approximately 53% below that which would be allowed if the property were zoned R-4. Lot coverage would be 63% below the maximum allowed by R-5 zoning and 59% below the maximum which would be allowed by R-4 zoning. In addition to the 30-foot set-back on Lombard Street, which would not be required by the City Planning Code, a side yard of 10

feet, also not required, would be provided. In accordance with the City Planning Code, the project would have a rear yard set-back of 20 feet. Traffic access to the site would be from Chestnut Street and would not affect traffic on Lombard Street or Montclair Terrace. The plans called for provision of two off-street parking spaces for each residential unit; and, because the applicant believed that the extra parking spaces are necessary in the subject neighborhood, he intended to seek a variance from the City Planning Code which allows a maximum of only 1½ parking spaces for each dwelling unit in R-5 districts. Mr. Kolb stated that plans for the proposed project had evolved through discussion with residents of the subject neighborhood and members of the staff of the Department of City Planning; and he expressed his appreciation to the staff of the Department of City Planning for its cooperation. In closing, he stated that the fact that his client was seeking approval of the plans for the proposed project from the City Planning Commission did not alter the offer which he had made previously before the Landmarks Preservation Advisory Board to sell the property to residents of the neighborhood. However, if the sale should fail to materialize, he wished to be able to proceed with construction of the project.

Elmer Botsai, architect for the applicant, displayed and described the site plan which had been prepared for the proposed project. He acknowledged that the subject site is critical and important to the City because of its location; and he recognized the importance of handling the site appropriately within reasonable economic limits. While he had no argument with the neighborhood's proposal to buy the property, he did not feel that the present owner of the property should be expected to leave the property in its present state, thus subsidizing a park for public use. Placing an overlay over the site plan, he remarked on the relationship between the location of the proposed buildings and the buildings presently occupying the site; and he remarked that location of the proposed tower on the southern portion of the site would provide the greatest protection of views and the greatest protection of sun exposure for residents of the subject neighborhood. In fact, most of the shadow cast by the tower would fall upon the subject property itself. While many of the details of the project still needed to be refined, he hoped that the Commission would find the preliminary plans acceptable.

President Newman asked what effect the proposed project would have on the residents of Montclair Terrace. Mr. Botsai replied that the project should have no physical effect on Montclair Terrace whatsoever in terms of traffic or shadows. The emotional effect of the project would be more difficult to estimate and would probably vary from person to person.

President Newman asked what residents of Montclair Terrace would see when looking at the subject site after the project has been completed. Mr. Botsai replied that they would see a tower. However, the garage structure which will be built will be lower than the present foliage on the site.

Commissioner Fleishhacker asked if the other neighboring buildings depicted in the rendering of the proposed project had been drawn to scale, particularly those which had been approved by the Commission only recently and which had not yet been constructed. Mr. Botsai stated that he had been told that the buildings had been drawn to scale; however, since his firm had not actually prepared the rendering, he could not be certain of that fact.

No one else was present to speak in favor of the subject application.

E. L. Puffer, 1047 Lombard Street and President of the Lombard Street Association, stated that he was not aware that any residents of the street had been contacted by the applicant regarding plans for the proposed development. He stated that the members of his organization were not opposed to high-rise buildings per se; however, they were opposed to having a building of the mass and size proposed on the subject property. He displayed a sketch which had been prepared for his organization to show the relationship between the height of the proposed buildings and other buildings in the area, including 1000 and 1080 Chestnut Street; and he emphasized that the sketch, which he believed to be in scale, indicated that the height of the proposed building would be much greater than others presently existing in the area. He noted that the flanks of Russian Hill are governed by a 40-foot height limit; and he observed that the Commission had already approved two new towers which will be constructed only one half block away from the subject site. Mr. Puffer observed that Lombard Street in the block between Hyde and Leavenworth Streets, often referred to as the "cookedest street in the world", is actually an undesignated landmark of San Francisco and is known both nationally and internationally. He displayed a tourist poster which contained a picture of the street; and he advised the Commission that post cards with pictures of the street out-sell all other post cards in the city every year. In looking at the rendering of the proposed development, he reacted both to tangible things and to "tangible intangibles" or aesthetics. While he recognized that "beauty is in the eye of the beholder" and that it is an individual thing, he believed that groups, even nations, can share a mutual taste; and he felt that most people who would look at the rendering of the proposed development would say that it is most unattractive. If he owned the subject property and were to propose construction of a building with a height of 100 stories, even the Commission would probably laugh at his proposal. If he were to return with a proposal for a 50-story building, some people might find the proposal acceptable. If he were to continue to lower the height of the proposed building, he believed that a point would be reached when most of the people in the room would find the proposal to be acceptable. However, he did not believe that the development proposed by the applicant was "within the ball park". When the Commission was considering the development proposed by Mr. Haas for property located one-half block away from the subject site, residents of the neighborhood had described the traffic problems, parking problems, wind effects, shadow effects, and other problems of the neighborhood which had been documented and for which the City has no solutions. The development proposed by Mr. Haas would double the population of the subject neighborhood; and, as a result, Mr. Puffer believed that it would be fair to expect that the problems of the neighborhood would also be doubled. With the neighborhood already scheduled for drastic change, he doubted if anyone in the meeting room could predict the effect which addition of the proposed project would bring; but he doubted

that it would be possible for anyone to say that the project would leave the neighborhood unchanged or that it would change the neighborhood for the better. Because variables and special situations do arise, the City Planning Commission had been given the valuable power of discretionary review; and, in reaching a decision on matters such as the one presently under consideration, he felt that individual members of the Commission should ask themselves what a prudent person might do, giving thought to aesthetics as well as to other aspects of the situation.

Commissioner Fleishhacker questioned whether the rendering which had been displayed by Mr. Puffer accurately reflected the fact that the proposed tower would be set back thirty feet from the right-of-way of Lombard Street. After consideration, Mr. Puffer acknowledged that the set-back might not have been taken into consideration. In any case, he felt that the rendering accurately reflected the impact which the proposed tower would have on the area.

Mrs. Pat Schumacher, a member of the Lombard Hill Association, stated that she had heard that springs are located on the subject property; and, if so, she wondered if Montclair Terrace would be flooded when excavations are made on the site for a garage. Mr. Petri replied that he believed that the "springs" are actually leaks from the City owned reservoir located across the street from the subject property. Mr. Botsai stated that preliminary soil borings had been made on the site and that no evidence of water had been found. However, if water is encountered, he assured the Commission that the situation will be handled properly. Mr. Petri stated that his water bill had been excessive when he had first purchased the subject property; and, on investigation, broken pipes had been discovered. He suggested that the broken pipe situation might have given rise to the rumor that springs exist on the property.

Ann Fogelbero, 1040 Lombard Street and a member of the Lombard Street Association, advised the Commission that approximately 3,000 automobiles per day, or 3 per minute, travel down the crooked portion of Lombard Street during the summer months and during beautiful weather at other times of the year. The development proposed by Mr. Haas would bring between 700 and 1,000 additional people to the neighborhood; and, with the additional families who would be residing in the project presently under consideration, she felt that the traffic situation in the area would become unbearable. She stated that the Lombard Street Association wants to acquire the subject property and to maintain it as a park; and she did not wish to have the site developed with a high-rise building. She felt that properties in the area should be zoned R-3 rather than R-5; and, while the plans which had been submitted by the applicant might be acceptable in terms of R-5 standards, she did not feel that the proposed project would be appropriate for the subject neighborhood.

Charles Starbuck, 1625 Leavenworth Street and a member of San Francisco Opposition, stated that he represented the 87,000 voters who had supported proposition T on the November ballot; and he advised the Commission that another height limit initiative will appear on the June ballot under which the subject property would have a height limit of 40 feet. He viewed the issue presently under discussion as a classic confrontation between public equity and private equity; and he observed that the crooked portion of Lombard Street belongs to the world. He distributed

copies of an advertisement for the Transamerica Pyramid that had appeared in the February, 1972, issue of the Chamber of Commerce publication titled "San Francisco Business". The advertisement pictured two men looking out of an office window at a building across the street with the caption "If that other building weren't there, we could almost see the bay"; and the text of the advertisement advised that "you can stop playing hide and seek with San Francisco if you move your office to the Transamerica Pyramid", which, as one of the tallest buildings in the West, will offer panoramic views of the entire bay area. Mr. Starbuck observed that the time may come when tourists may have to go to the top of the Transamerica building in order to see San Francisco.

Mr. Starbuck noted that there were conflicts between the renderings which had been submitted by the applicant and the opponents; and he felt that the Commission should employ the services of an independent architect to execute an accurate rendering of the proposed development. He also felt that the Commission should seek the advice of population experts since San Francisco is already the second most dense city in the United States and since the proposed project would add to its density. He felt that the applicant's architect should have prepared shadow drawings for presentation to the Commission; and he believed that a representative from the Traffic Engineering Bureau of the Department of Public Works should have been present to speak on the issue of traffic. Before making a decision on the application, he felt that the Commission should receive testimony from the Municipal Railway regarding the effect of the project on Cable Car service; testimony from a horticulturist regarding the loss of a potential park; testimony from the owner of the Mandarin Tower who found that he could not sell condominium apartments for \$79,000 each; testimony from people concerned with moderate income housing in the City; testimony from the Building and Construction Trades Council not about the total number of jobs which the project would create but about the number of jobs which would actually be available to San Francisco residents, particularly minorities; testimony from the Chamber of Commerce as to what positive benefits the project would bring to San Francisco; testimony from Mayor Alioto, who had made election promises that the Urban Design Plan would be followed to the letter and that no more high-rise buildings would be allowed in the neighborhoods; and testimony from the Visitors and Convention Bureau regarding the effect which the proposed project would have on San Francisco's most famous tourist attraction, which is the crooked portion of Lombard Street.

Mr. Starbuck stated that he respected Commissioner Finn's decision to abstain from voting on the matter under consideration; and he asked that Commissioner Rueda, also, abstain from voting on the matter. He observed that Commissioner Rueda is a high official in an elevator construction union; and, as a result, he did not feel that he should vote on an application for any building involving a significant investment in elevators. Mr. Starbuck also suggested that the Commission should postpone its decision on the application until 1) the ninety-day period of time offered by the owner to allow residents of the neighborhood to raise money for purchase of the property has expired, 2) until the June election has been held or 3) until the Urban Design Plan has been incorporated into the Planning Code as a matter of law. He noted that specific height and bulk proposals will be presented to the Commission by the staff of the Department of City Planning in one week; and,

if all goes well, those proposals might be incorporated into law by the end of the year. If not, he believed that the City would eventually have no need for the City Planning Commission, the City Planning Department or the Urban Design Plan because private developers will have made the basic planning decision for the City already. Mr. Starbuck felt that the Commission should carefully examine all of the factual data available before reaching a decision on the subject application which would affect the City and the entire bay area for many years to come; and he hoped that the time would come when "real estate auctions" are not held at the Commission's meetings every two weeks.

Susan Smith, representing San Francisco Tomorrow, read and submitted the following prepared statement:

"San Francisco Tomorrow believes that the public interest in this historic property is of the highest priority. Will this Planning Commission condone the purchase of this property for the purpose of destroying it? Are you proud to have established the real estate values which permit this barbarism. What is civilization composed of but a heritage of the past? Are you encouraging wealth to be used irresponsibly? If you are acting on behalf of the public you must ask yourself the consequences of your actions.

"The Metcalf property composes one of the great landscape views of this city. Its wooded beauty is an attraction for residents - tourists. We place great value on it; we believe that any purchaser must afford the value of this property to the city as a whole rather than treat it as land is by stripminers.

"It seems ironic that the same individuals who are urging expensive convention center facilities for San Francisco at every opportunity approve blockbuster projects which destroy the reason tourists do come.

"The destruction you are licensing on Russian Hill wipes out land form, trees, open space - and brings in its place congestion, traffic dangers, wind, cold, shade. It is a deceit and canard of the Urban Design Plan to suggest that highrise towers are desirable in any neighborhood. Times change - such blockbusters efface the natural landforms of our city. We can all see that now. All structures in this city must be in scale with their surroundings. That is what neighborhoods want along the Pandhandle, Glen Park or Russian Hill or the Richmond.

"We do believe that the number of lawsuits filed in this city reflect the breakdown of good government. The public interest served through the courts is a most expensive form of government. We ask of you and to date haven't found it the preservation and enhancement of the environment of this city."

Sue Hestor, 4536 20th Street, remarked that the center of Hyde Street is hollow because of the Cable Car installation; and she wondered if the applicant's architects had given consideration to the problem of getting heavy trucks to the site without damaging the right-of-way.

James Ludwig, a member of Russian-Lombard Improvement Association and a resident of Montclair Terrace, stated that he and his neighbors were not happy with the trend of recent developments on Russian Hill. He noted that the architect who had designed the twin tower proposal for Mr. Haas had stated that Russian Hill is not destined to be a small scale and charming neighborhood but rather a neighborhood of high-rise buildings; and he hoped that people would rally behind residents of the neighborhood to prove that prediction to be wrong. He acknowledged that the plans which had been prepared by Mr. Petri were quite limited in nature, being only 10% above R-4 density; in fact, he understood that two high-rise buildings could legally be placed on the site. Yet, while the plans contained many good features, he still felt that construction of the proposed project would be a tragedy for Russian Hill. He was appreciative of Mr. Petri's offer to sell the property to residents of the neighborhood; and, while he was not positive that the total sum of \$1,100,000 could be raised, he observed that \$50,000 had already been pledged in a single week. In conclusion, he expressed hope that people from the community would support the neighborhood's effort to save Russian Hill by contributing to the purchase fund.

James S. Skene, 970 Chestnut Street, stated that he manages a twelve-unit apartment building owned by his wife; and, since the building has no garage, tenants must park on the street. However, on-street parking in the area is already a problem; and, if new projects such as the one presently being proposed were to be constructed, he feared that on-street parking spaces would no longer be available and that he and his wife would not be able to rent the apartments in their building. Even the applicant's proposal to provide two parking spaces for each dwelling unit in the proposed project would not compensate for the fact that his tenants would have no place to park; and, as a solution to the problem, he wondered if the applicant would promise to rent him parking spaces for his tenants at a reasonable price.

Mrs. Meri Jaye, 1050 Lombard Street and a member of Montclair Terrace Improvement Association, stated that she was representing people from all over the world who regard San Francisco as their favorite city; and she remarked that the residents of Russian Hill who are fighting to save their neighborhood are not fighting just for themselves but for all neighborhoods of San Francisco with the hope of showing the whole world that San Francisco is a "community" and not just a bunch of fools. She advised the Commission that residents of the neighborhood would purchase the property and demonstrate how it should be developed. She stated that she was not aware that the applicant had spoken with any resident of the neighborhood concerning plans for the proposed development; and she felt that neighboring property owners should have been given the courtesy of being advised about the effect which the project would have on their properties. She stated that the property is covered with trees, "the lungs of the city", which are more than 100 years old; and

she remarked that the gardens are not being maintained and that they are being vandalized. In conclusion, she stated that the Commissioners, as guardians and stewards for San Francisco, should provide for the best development possible on important sites by selecting the very best developers and architects.

Mrs. P. H. Ross, 199-A Sweeney Street, observed that the owner of the subject property is obviously not "poverty stricken"; and, as a result, she felt that he could provide a beautiful park on the site which could be known as Petri Plaza. On many returns to San Francisco, she had found the City to be beautiful; but she did not experience the same feeling on her latest arrival. In conclusion, she observed that the applicant is Italian and that he is rich; and she remarked that he had a wonderful opportunity to be a renaissance man and to give the City something of beauty.

Theodore Walker, 625 Scott Street and a member of the Muni Drivers Association, noted that one of the previous speakers had suggested that the applicant should construct his project elsewhere in the City; but he remarked that residents of the Western Addition would not be able to raise \$50,000 or to afford a one million dollar ransom to save their neighborhood from such a development. He also noted that one of the previous speakers had questioned whether streets in the area might be damaged by heavy trucks coming to the site; and he felt that the Commission should obtain an answer to that question before acting on the proposal. While Commissioner Finn had abstained from voting on the issue, Mr. Walker felt that all members of the Commission might be in a position of conflict of interest because Mr. Petri is a member of the Public Utilities Commission and since the City Planning Commission must go before the Public Utilities Commission to seek approval of its Master Plan for Transportation. (sic) In any case, the City Planning Commission is supposed to be responsive to the sentiments of the community; and, having heard testimony from residents of the subject neighborhood, he felt that it should be obvious to the Commission what those people do and do not want. Mr. Walker remarked that someone may later propose construction of a building which would block the views from the building which Mr. Petri hoped to construct; and, under such circumstances, he felt that Mr. Petri, like other residents of the neighborhood at the present time, would have a right to object. He felt that construction of high-rise buildings must stop someplace; and, in San Francisco, he felt that no high-rise buildings should be allowed west of Taylor Street or north of Broadway.

Mrs. Marion Hinman, representing the Russian Hill Improvement Association, stated that she was sorry that Mr. Petri had not purchased the American Savings and Loan site rather than the subject property. Yet, even the subject site is an extremely sensitive parcel of property; and she felt that it was possible that the property should not be developed with a high-rise building. While she had not seen the plans for the proposed project previously, she felt that they had been prepared with a considerable amount of sensitivity; nevertheless, she hoped that residents of the neighborhood would be successful in their effort to acquire and preserve the property. In conclusion, she questioned whether location of the proposed tower on Lombard Street rather than on Chestnut Street, as originally proposed by the applicant, might, in fact, have a greater detrimental effect on the neighborhood.

Edward Bielski, 224 Magellan Avenue, indicated that he was representing Richmond Environment Action, a group which has a membership of 2,000 residents from the Richmond District. On behalf of that organization, he opposed the proposed development in the name of ecology. He felt that it would be false to say that the site and the house which occupies it are not historic, especially since the house is the oldest one on Russian Hill; and, in any case, the request which had been taken to the Landmarks Preservation Advisory Board was that the entire block, including the crooked street, be designated as a Landmark. He stated that springs are located on the subject property; and he indicated that the reservoir had been located where it is because of the presence of springs in the area. He felt that the City Planning Commission had an obligation to see that the subject site is preserved; and he remarked that if both the Haas development and the subject project were to be constructed, very few tourists would come to enjoy the beauty of the area. In his opinion, high-rise building beget high-rise buildings and shadows; and he believed that the proposed building would cast the landscaped portion of Lombard Street in shadow. As a result, the present occupants of the street would probably move, the properties would be rezoned and developed to a height of 160 feet, and nothing would grow in the landscaped areas except ivy because the street would be in constant shadow. He remarked that the subject site is the last historic reminder of what the area used to be now that the Haas site has been bulldozed; and he urged the Commission to allow residents of the neighborhood to preserve the site.

Norman Rolph, 1188 Green Street, stated that he shared many of the concerns which had already been mentioned by previous speakers. In addition, he felt that it was ironic that no developers, even members of the Public Utilities Commission, seem to give consideration to the effect which their projects may have on public transportation. He pointed out that the driveway to the proposed development would be located in the center of a steep hill on a street which contains cable car tracks; and he thought that those factors alone would warrant disapproval of the application or postponement of the Commission's decision until such time changes can be made in the plans.

James Mallott, 2656 Larkin Street, observed that it is one thing to talk of high-rise buildings on the top of a hill and quite another thing to live on such a hill with screeching traffic, buildings shuddering underfoot as heavy vehicles pass, and loss of sunshine. He also remarked that 80% of the curtains in high-rise buildings are drawn during daytime hours; and, as a result, it was obvious that residents of such buildings do not appreciate the sunlight that they have stolen from others. The City Planning Commission had already approved construction of the City's largest apartment complex on a nearby site; and he believed that approval of a second major development would ultimately lead to the creation of an entirely new environment on Russian Hill. He remarked that six major projects had recently moved ahead on a single block in another area under a 105-foot height limit, thus totally changing the character of that neighborhood; and he felt that approval of a second major development for Russian Hill would announce the start of a trend under which other developers would recognize that it is "open season" on Russian Hill. The subject site is only one half as large as the site owned by Mr. Haas, and the single tower now being proposed would be only one half as large as the towers approved for the

other development; yet, the effect of the proposed tower on the subject property would be equal to the effect of the twin towers on the the other site. Furthermore, the proposed tower would be located on the most sensitive portion of the site; and, in spite of the townhouses which would be located on the lower portion of the property, he did not believe that the tower would achieve any balanced relationship whatsoever with buildings now existing in the area. From a neighborhood of two; three- and four-story buildings, the area was suddenly being changed into a neighborhood of major structures and monoliths. Mr. Mallott stated that there is great interest among residents of the subject neighborhood in purchasing the subject property and using it for a park; however, he did not feel that the Commission should place the neighborhood in a position of having to enter a race with the applicant. He did not feel that the immediate granting of a site permit for the proposed project would be in the best interests of the neighborhood or of the City as a whole; and, therefore, he requested that the Commission delay the issuance of the permit in order to give the neighborhood sufficient time to determine whether money can be raised to purchase the property. In conclusion, he emphasized that 5% of the total purchase price had been raised in one week.

Mrs. Hans Klussman, representing San Francisco Beautiful, urged the Commission to consider the issues which had been raised by previous speakers, especially the issue relating to the effect to which the proposed project would have on cable car service. She felt that every one would have been in favor of the proposed project if another site had been involved; but she did not believe that the development should be allowed on the subject property. She, also, urged the Commission to defer action on the application in order to give residents of the neighborhood an opportunity to show whether they can raise sufficient money to purchase the property from the present owner.

President Newman asked the applicant's architect if he would respond to the question raised by Miss Hestor about the possibility of the right-of-way of Hyde Street being damaged by heavy trucks coming onto the site. Mr. Botsai replied that streets in the subject neighborhood are built to common standards; and he indicated that the trucks coming to the subject site with materials for the subject project would be no heavier than those bringing materials for other buildings. In any case, all contractors must carry insurance to cover any damage which they might cause; and, as a result, any damage which might result would be repaired promptly.

The Director offered his recommendation to the Commission as follows:

"It is recommended that the basic development scheme proposed today be approved on the condition that the developer continue to work with Department staff in developing final plans necessary before construction can commence on the site, with particular attention given to the exterior detailing of the townhouses and tower, appropriate landscaping of the substantial open areas on the site, design of driveways, reduction in height of the property line garage walls at the Chestnut Street end of the site to less than shown in the plans reviewed today, and maintaining the townhouses at a height not more than approximately 40 feet above the grade in the townhouses area of the site.

"This recommendation is in light of the criteria established for point towers on Russian Hill under Resolution No. 6746.

- '1. A balanced relationship of the proposed height to that of other buildings and to the topography of the hill;'

The proposed tower is very near the crest of the northern portion of Russian Hill, and will have a good relationship to other high buildings existing and proposed in the vicinity. The proposed tower's horizontal dimensions are much more slender than towers or combination of towers in this area.

- '2. Conformity to the specified bulk controls;'

The proposed tower bulk, 80-foot length and 104-foot diagonal, is substantially less than the maximum specified controls of 110 feet and 140 feet.

- '3. Maintenance of a high ratio of height to width;'

This is the case, the ratio is approximately 3.7 to 1, a higher ratio than any tower now on Russian Hill.

- '4. Use of less than the maximum permitted floor area ratio;'

This also is the case; the proposed ratio of 5.73 to 1 is very much lower than the permitted 12.15 to 1 ratio.

- '5. Significant spacing of towers on the hill;'

The proposed tower has a significant amount of separation from the closest existing and proposed towers, 143 feet, 255 feet and 198 feet.

- '6. Respect for the scale of design of nearby buildings;'

The transition of the proposed tower at the high point of the site though the townhouses at the low end provides an appropriate transition to the adjacent R-1 zoned properties to the east and north, which transition will be furthered by the recommended lowering of exposed garage walls at the north end of the site.

'7. Maintenance of sunlight to other properties;'

This has been accomplished through the slender tower design and low height of other portions of the development.

'8. Other relevant criteria, such as preservation of natural features, protection of views, color, materials, accessibility, adequacy of off-street parking, and effect upon street facades.'

This has been in part met by the proposed light color of solid portions of the tower and the play of shade and shadows on the facades accomplished by proposed decks and windows treatment on the tower, and the retention of street trees, existing trees at the east of the site, and the existing Lombard Street property line wall. This criteria will be met further through the additional landscaping and exterior design control of the proposed buildings recommended. At this time no more than 1.5 off-street parking spaces per dwelling unit can be approved by the Commission. However, this is a good ratio and access has been found acceptable by the Bureau of Traffic Engineering. If the Commission believes a greater amount of parking would benefit the neighborhood the developer has offered to provide more parking.

"I believe the developer should be complimented in his willingness to develop the subject site with only 58 dwelling units, many less than the 197 permitted this R-5 zoned site, and a number of units only 18 more than permitted if the site were zoned R-3.5.

"The owner of the site has offered a three-month period for persons interested in developing the site as a landmark and park to collect funds to buy the site, and the Commission's approval of the proposed site permit would not alter this commitment. The time necessary to develop plans necessary to commence construction may well be greater than three months and more than three months may be available to accomplish the alternate use of the site.

"The Department staff has not made any judgment as to whether the site should be considered a Landmark under applicable provisions of the Planning Code.

"Any new building development of the site would render the site unusable as a major public open space, and staff believes the present proposal is an appropriate one if the site is to be developed with buildings.

"Open space should be developed on this site through private means. Staff feels use of City money, which is limited at best, on the site would not be proper due to the more pressing need for open space in other areas of the City."

The Director, adding to his prepared remarks, stated that the individual who had declared that the proposed tower would cast the crooked portion of Lombard Street in shadow was wrong, unless the sun should change its course through the sky. Also, with regard to the projects interference with public transit, the Director noted that the automobile entrance from Hyde Street would be used primarily for delivery and pickup of passengers; access to the major parking garage would be from Chestnut Street. With regard to use of the property as a park, he remarked that he would have no objection if funds for the acquisition of the property could be raised privately. However, if the City had money available to purchase the site, he would recommend against the purchase because there are too many other areas of the City which have a greater need for open space. In conclusion, he recommended that the subject application be approved by adoption of a draft resolution which he had prepared which contained five specific conditions, as follows:

- "1. The developer and his architect shall consult with the Department of City Planning in developing final architectural design and treatment of all exposed building walls in a manner that will be visually attractive and compatible with the adjacent dwellings.
- "2. The applicant shall reduce the height of the exposed garage walls at the northern end the site to the practical minimum, and shall reduce the height of the townhouses to approximately 40 feet above grade.
- "3. The developer and his representatives shall consult with the Department of City Planning in developing appropriate landscaping plans for the greatest possible saving of existing on-site plant materials and adjacent street trees, and for the installation and continual maintenance of appropriate new plant materials.
- "4. Final design of driveways and off-street parking areas shall be developed in consultation with the Department of City Planning and the Bureau of Traffic Engineering.
- "5. Final architectural and landscaping plans for the construction of the subject development shall be approved by the Department of City Planning prior to filing for building permits based on such final plans."

Mr. Kolb indicated that the conditions which had been recommended by the Director of Planning would be acceptable to the applicant.

FEBRUARY 10, 1972

Commissioner Porter, noting that parking is one of the major problems faced by the subject neighborhood, stated that she felt that it would be extremely important for the applicant to file a conditional use application requesting permission to provide two parking spaces for each dwelling unit in the proposed project.

Commissioner Fleishhacker, remarking that residents of the subject neighborhood seemed to be optimistic about the possibility of collecting sufficient money to buy the subject property, suggested that it might be wiser to use the money to purchase the property owned by Mr. Haas. If purchase of that property could be negotiated, the future density of the neighborhood would be reduced by 343 dwelling units rather than by the 58 dwelling units proposed by the present applicant; and, as a result, the neighborhood would be protecting itself more effectively against the type of problems which it fears will materialize.

President Newman stated that he believed that the subject neighborhood is fortunate in having as an applicant a property owner willing to forego his own development project in order to allow residents of the neighborhood to purchase the property. Furthermore, in preparing plans for the proposed development, the applicant had complied with the law, had tailored his proposal to the neighborhood and to the community, had been willing to provide sufficient parking, and had kept the project at a low scale of density. He felt that the proposed project does respect the site; and he felt that more people might have shared his opinion if the proposal had not been scheduled for hearing only four weeks after an overpowering project had been approved for a nearby parcel of property.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6810 and that building application No. 405819 be approved subject to the conditions contained in the draft resolution.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

DIRECTOR'S COPY

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 17, 1972.

The City Planning Commission met pursuant to notice on Thursday, February 17, 1972, at 1:30 p.m. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Robert Passmore, Planner V (Zoning); Richard Hedman, Planner V - Urban Design; Peter Svirsky, Planner IV (Zoning); Dennis Ryan, Planner III - Urban Design; DeWayne Guyer, Planner II - Urban Design; William Ducheck, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle.

1:30 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:30 p.m. to take a field trip to properties scheduled for consideration during the Zoning Hearing to be held on March 2, 1972.

3:00 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meeting of January 13, 1972, be approved with corrections which had been suggested by members of the Commission. Subsequently, it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the minutes of the meeting of January 20, 1972, be approved as submitted.

CURRENT MATTERS

Commissioner Rueda stated that he had met with Mr. Passmore of the staff of the Department of City Planning to discuss the language which had been prepared for Resolution No. 6799 which had been adopted by the Commission on January 13, 1972, to approve plans for the project proposed at 1150 Lombard Street between Hyde and Larkin Streets as a result of that discussion, he wished to recommend that the last whereas clause of the resolution be changed to read as follows:

"Whereas, the majority of the Commission finds and declares that the proposal submitted by the applicant on January 13, 1972, is a reasonable development of the subject R-5 zoned site, and is in conformity with the principles and policies of the current Urban Design element of the Master Plan and the interim height and bulk controls adopted by the City Planning Commission on April 26, 1971..."

Commissioner Fleishhacker questioned whether the majority of the Commission, in approving the plans for the project, had based their action on the reasons stated in the language being recommended by Commissioner Rueda. Commissioner Porter remarked that the members of the Commission who had voted for approval of the plans, including Commissioner Rueda who had made the motion, knew why they felt that the plans should be approved; and she felt that it should be left to the discretion of those members of the Commission to determine whether the language contained in the resolution accurately reflected the reasons for this action. Commissioners Finn and Ritchie agreed.

Subsequently, it was moved by Commissioner Ritchie, seconded by Commissioner Rueda, and carried 5-2 that the staff of the Department of City Planning be instructed to revise the language contained in Resolution No. 6799 as recommended by Commissioner Rueda. Commissioners Finn, Mellon, Porter, Ritchie, and Rueda voted "Aye"; Commissioners Fleishhacker and Newman voted "No". Commissioner Fleishhacker stated that he had voted against the motion because he did not feel that he could in good faith vote positively on any matter affecting the project proposed at 1150 Lombard Street.

Allan B. Jacobs, Director of Planning, reminded the Commissioners that they have been invited to tour the Valencia Street facility of the Levi Strauss Company next Thursday at 1:30 p.m.

The Director informed the members of the Plan Implementation Committee (Commissioners Finn, Fleishhacker, Porter) of a meeting scheduled for next Wednesday, February 23, at 3:30 p.m.

Presentation of proposals for permanent height and bulk controls throughout the City

(Public Hearings will be held in March and April)

President Newman made the following opening remarks:

"Last August, the Planning Commission adopted a resolution declaring its intention to enter into hearings to implement the guidelines of the Urban Design Plan for control of the height and bulk of buildings. At that time, the Commission instructed its staff to study and refine these guidelines and to propose more specific controls, including both maps and ordinance text affecting the entire city. A period of six months was allotted to this preparation, and the staff is now ready to present its proposals for the specific controls that will be considered by the Commission at the forthcoming hearings.

"Today's meeting is for the purpose of this presentation, and it is not in itself a hearing at which public testimony will be sought. A number of hearings have been scheduled for March and April, after a period in which members of the public and the Commission will have a chance to review the proposals. During the course of their work, Mr. Jacobs and his staff have met with three members of the Commission as a committee.

"The action of the Commission today will be confined to acceptance of the refined proposals for its consideration without passing upon the merits of the maps or ordinance text."

Allan B. Jacobs, Director of Planning, read the following prepared statement:

"Background

"San Francisco's residents have consistently shown that they care very much how their city looks and feels. Often they may have more concern about their city than many other aspects of their own lives. It is this concern, carried on through the generations, that can continue to make San Francisco a fine and sensitive city.

"The sharpest focus of this concern has been on tall and bulky buildings that force rapid changes in the city's appearance and in its atmosphere. Indeed, there were limits upon the height of buildings enacted as early as the 1920's. These limits have been added to over the years and none of the limits, once enacted, has ever been removed. The most recent addition was made just a year ago.

"When the citywide Urban Design Study was begun in 1968, the height and bulk of buildings was one of several major areas of study. Significant public involvement was sought, and after the publication of preliminary recommendations in 1970 the final report of the Urban Design Plan was printed in May 1971. It contained generalized guidelines for the height and bulk of buildings throughout San Francisco, and these were presented widely in the community together with the remainder of the Plan.

"Among the purposes of the Plan was the safeguarding of established qualities of the city by providing a lasting set of reference points for community agreement and rational decision making. The guidelines for height and bulk of buildings, if implemented, would stabilize the appearance of the city, relating new buildings to existing scales and providing transitions between contrasting areas. They would also help to direct major development to locations where it could be supported by patterns of land use and transportation.

"The Urban Design Plan was the subject of several hearings by the Commission, and after three months of intense consideration it was adopted by the Commission as a part of the City's Master Plan. Before adoption there were changes made in response to public testimony, and these included 25 changes in the height guidelines map as well as a reorganizing of the map for building bulk.

"Significantly, there were no complaints of lack of time for public review, and on the contrary there seemed to be as much interest in implementation as in the Plan itself. In keeping with this interest, the Commission adopted a resolution on the same day as its approval of the Plan (August 26, 1971), declaring the Commission's intention to hold hearings upon legislative controls to implement the guidelines for building height and bulk.

"The Commission's resolution put into effect, by operation of normal zoning procedures, the general guidelines of the Urban Design as interim controls, and the Commission instructed the staff to draw up proposals for specific permanent controls within six months. With this presentation to the Commission today, the more specific controls will prevail until final action by the Commission and the Board of Supervisors.

"The Interim Period

"The necessary two-step process of Plan adoption and legislation, and the intervention of certain disputed building proposals and initiative measures, have caused some confusion among the public as to what the Urban Design Plan is or ought to be.

"For one thing, as we have stressed so many times, the Plan is not addressed solely to the height and bulk of buildings. It includes policies relating to reduction of traffic in residential areas, improvement of landscaping and other neighborhood amenities, preservation of open spaces and historic buildings, limitation of street vacations, removal of street clutter, and many other urban design matters, all of which require specific measures for implementation.

"Second, the height and bulk guidelines were not in any way intended to counteract the efforts for voter initiatives relating to height of buildings, and yet some parties on both sides have referred to them as though they were.

"Further, the building plans that have come before the Commission during the last six months for consideration in connection with the Urban Design Plan have by and large been quite unrepresentative of other buildings that might be affected by the Plan. Some were under applications filed prior to last August and were not directly subject to the interim controls. Others were proposals for Russian Hill, the

one area of the city which under the Plan guidelines has a broad range of height that may be permitted by the Commission -- from 40 feet to as much as 300 feet. No other part of the city is so affected.

"Finally, the interim controls thus far have not themselves been representative of what the Urban Design Plan intends in implementation. These controls deal in ranges of height, whereas the permanent controls will almost always have fixed limits. This was always intended to be the case. The bulk limits also will be fixed except for unusual cases.

"In all but four small areas, height limits will be subject to change only by legislative action of the Board of Supervisors, and never by variance, conditional use or planned unit development. As for the bulk limits, to the extent the Commission has discretion in the interim period (and to no greater extent), decisions may be appealed to the Board of Permit Appeals, but upon adoption of the permanent controls such appeals will be only to the Board of Supervisors.

"In short, while the interim period may be a difficult time for some developers, for planning and for the city, it is necessary that this period be gone through if there is to be any permanent legislation. With the precise limits being proposed today, it is hoped that community concern will become better focused and stabilized, and that the increasing number of buildings now being designed within the prescribed limits will prove the validity of these proposals.

"The Coming Public Hearings"

"To begin the hearing process, the Department will mail out tomorrow some 150,000 post card notices to all owners of property, informing them of the coming hearings on height and bulk districts for the entire city. These notices will refer to a full-page newspaper advertisement to appear in all editions of the San Francisco Examiner for next Thursday, February 24, containing a map of the districts and a written description of the proposals.

"Other notices are going to neighborhood and civic organizations throughout the city, indicating which of the hearings will relate to their areas. To the extent feasible, the staff will meet with interested groups, and considerable time will be given in the next several weeks to answering inquiries made through telephone calls, letters and visits to the office. We hope that members of the public will be as informed as they wish to be by the start of the hearings.

"Four hearings are scheduled, at intervals of two weeks, for the evenings of March 16, March 30, April 12 and April 26. Other dates have been reserved in case they are needed. Each hearing will emphasize one part of the city. All the testimony offered will be heard, of course, but where the concern relates to individual properties it is likely that it may be better expressed in a written statement or in a visit to the Department. All statements received will be reported to the Commission.

"Throughout the Urban Design Study, and through continuing neighborhood liaison by a number of staff members, there has been a considerable gathering of opinion from San Franciscans concerning city development. During the past six months, however, it has not been possible to review the detailed work being done with the public, due to our limited manpower, the need to come forth with precise proposals in the shortest possible time, and the problem of property speculation based upon premature disclosures. We hope to have a maximum of communication now during the hearing process.

"As the hearings progress and are completed, the Commission can make changes in the ordinance text, the district boundaries and the height and bulk limits proposed, since such changes will be within the scope of the matters being advertised. After action by the Commission and forwarding of the proposals to the Board of Supervisors, the latitude for change will be less great, since only questions specifically reviewed by the Commission can be voted upon by the Board.

"The Mapping Process

"In the process of mapping new zoning districts for height and bulk, the guidelines maps of the Urban Design Plan were only a starting point. Establishment of the limits on height was the most difficult since a precise limit had to be set in each case within the broader range of the Plan, and since additional factors were being considered that occasionally made it necessary to go outside the range of the Plan. The most significant of these other factors was the location of established zoning use districts, since to the extent possible the new height districts were being made consistent with them. Existing special height districts also were considered.

"All present buildings setting a norm for an area or exceeding the heights in the Plan were mapped, and all known development projects were taken into account. It was not intended that every building or project be made conforming, and there will be some existing buildings exceeding the limits and some new projects that will have to be scaled downward. Redevelopment project areas are of special concern, since the City has commitments in those areas based upon adopted redevelopment plans. Where area plans have been done by the Department, those, too, have been considered, and a careful look has been taken at the relationship of other elements of the Master Plan, especially the policies for housing, transportation and open space.

"These considerations have all resulted in refinements in the maps that have now been drawn for height and bulk districts for the entire city, property by property. There are many more separate districts than appear in the Urban Design Plan, with most areas in the Plan subdivided into different districts within the ranges indicated.

"It should be emphasized that there are no changes proposed in the existing use districts (such as R-3, C-2 and M-1) or in the standards that apply to them. The height and bulk districts are a separate set of zoning districts, covering all 13 sheets of the zoning map. In each district, the height limit is shown directly on the map as part of the district symbol, and the bulk limits are shown by a letter that refers to a table in the text of the ordinance.

"The height limit figures used were chosen for a number of reasons. They correspond in many cases to the upper or lower end or to the middle of one of the Urban Design Plan ranges. Many of the figures also represent significant breaks in construction types under the Building Code, as well as predominant scales of past and present construction. Also, since much more of the city is governed by the lower than by the higher figures, indicating a finer scale of development, intervals between the lower figures are closer than between the higher figures.

"The nine height steps applicable to most of the city are 40, 50, 65, 80, 105, 130, 160, 200 and 240 feet. In downtown and on Nob Hill, the figures are between 300 and 700 feet, with each figure applying to a relatively small area. Additional heights such as 84, 140 and 225 feet also are used for special purposes, mainly where such limits have already existed; these additional figures are not expected to be repeated in other areas.

"Bulk limits are similar to those in the Urban Design Plan, although they have been refined by addition of more categories. There are still four main sets of limits -- 110 feet in building length and either 125 or 140 feet in the diagonal for more outlying areas, 170 feet in length and 200 feet in the diagonal for downtown, and 250 feet in length and 300 feet in the diagonal for heavy commercial and industrial areas.

"The additional variations for bulk relate to the point above which the limitations apply, and with those variations there are a total of 13 symbols on the map. The bulk limits apply to most areas where a height of 65 feet or more is permitted. In each case they are related to the scale of the area, in order to avoid encroachment of buildings that would have an overwhelming effect upon the skyline and upon their surroundings.

"The Districts Proposed

"A closer look at the height and bulk districts on the map should begin with Open Space. A considerable effort has been made to include in this category all public land with a recreation or open space value. The Open Space district is used more widely than the Public Use zoning district, and properties as small as 10,000 square feet are included.

The new district covers parks, playgrounds, community centers, transit plazas, more reservoirs, other City open space lands, Park Presidio and Sunset Parkway, significant highway open spaces, State land in Sutro Forest, and Federal land in parts of the Presidio and Fort Mason and all of Fort Miley, Fort Funston and Alcatraz.

"Height limits are predominantly very low in residential areas, usually 40 and sometimes 50 feet, with somewhat greater height closer to downtown. Heights at community business centers and at transit stations tend to be greater, although some such centers are kept to the height of surrounding development. For institutions, especially hospitals, short-range development has generally been accommodated where definite plans have been proposed and accepted.

"Certain principles in the Urban Design Plan have indicated that tall buildings might be encouraged on the tops of hills in many parts of the city. However, with other factors considered, including present zoning restrictions and existing development, the hills on which height can be permitted are very few -- Pacific Heights, Russian Hill, Nob Hill, the area next to Alamo Square, the intersection of Geary and Masonic, and a small area on the Hunters Point ridge. Of these, only Russian Hill and the Hunters Point location were shown in the Plan as point tower areas, and all other point tower areas shown in the Plan are being limited to 40 feet. It is not considered either practical or desirable to carry the point tower concept further in these zoning proposals.

"In a second change from the Urban Design Plan, no area of the city is proposed to be left without a limit on height. In the Plan, parts of Nob Hill and the Downtown Office district are shown as having unlimited height. While the limits of 300 to 700 feet now proposed would be considered by some to be quite generous, they are in scale with past development and they establish the rule that all development should have to conform to some height limit. The districts for these areas provide for the greatest height at the center and a sloping downward toward the edges.

"As compared with existing height controls citywide, the proposed limits are predominantly more restrictive, and almost never less restrictive. Most R-1-D through R-3.5 districts have 40-foot limits on the height map, but the text of the ordinance also provides that the existing height limits for dwellings -- 35 feet in R-1-D and R-1 districts and 40 feet in R-2, R-3 and R-3.5 districts -- will remain in effect in any event. In addition, non-residential construction would be more restricted in these districts than at present.

"Existing special height limits near Ocean Beach, in Anza Vista and in the northeastern part of the city will remain the same, except for decreases in permitted heights along Union Street in the Marina

(down from 65 to 40 feet), north of Lafayette Park and along Washington Street in Pacific Heights (down from 105 to 40 feet), in the vicinity of Russian Hill (down from 65 and 105 feet to 40, 65 and 80 feet) and south of Portsmouth Square (down from 160 to 38 feet); and increases in the vicinity of Jackson Street between Laguna and Fillmore Streets (up from 105 to 160 feet) and in the western part of the Civic Center (up from 80 and 120 feet to 96 and 130 feet). Other existing limits are not changed.

"In most of the rest of the city, there are no existing limits on height, except for those that have resulted from indirect controls such as on floor area ratio, and therefore the proposed limits are more restrictive than existing controls in such areas. There may be cases, too, where the floor area ratio and possibly the dwelling unit density permitted by the City Planning Code cannot be fully achieved under the height limit, especially in R-4 and R-5 areas. This condition already exists in some parts of the city, and in the future the disparity ought to be corrected. No changes are proposed in the other standards at this time.

"Departures from the Stated Limits

"Nearly all the height limits proposed are fixed limits. There are four, and only four, exceptions to this rule. On pier areas north and south of the Ferry Building, the City Planning Commission presently has authority to permit increases above the 34-foot limit (to a maximum of 125 and 175 feet respectively), with an additional control on building volume. This authority would continue. The third area is along the north side of Washington Street from Battery to Kearny Street, where the Commission could authorize heights between 65 and 200 feet; this authority also exists now, although there is no upper limit.

"The fourth area is the crest of Russian Hill, where the limit would be 40 feet but the Commission could permit additional height in cases where a number of criteria were met, up to a maximum of 250 feet. The portion of Russian Hill covered is only the R-5 zoning district, a smaller area than that covered by the interim controls for point towers. The maximum height has been reduced from 300 to 250 feet, and the maximum diagonal dimension from 140 to 125 feet. It is expected that under the criteria in the proposed ordinance, only a small number of additional towers could be accommodated on the crest of Russian Hill.

"There is a fifth area where Commission discretion as to height will continue to apply through conditional use authorization. As an attribute of the special use district now in effect on a portion of Nob Hill, the Commission reviews all buildings over 160 feet in height. Where this authority exists the height limits shown on the map are more restrictive than before but still greater than 160 feet, and the Commission's review authority above that height would remain in effect.

"In every district in which there are bulk limits, the Commission would have authority to permit exceptions as to bulk under special circumstances, again through conditional use procedures. Such exceptions could be granted only where the result would be achievement of a distinctly better design, or development of a building with widespread public service benefits and significance to the community at large. Criteria are established for consideration by the Commission, requiring reduction of the appearance of bulk in the building by specific means, as well as various measures to make the development compatible with the surrounding area.

"Proposed Ordinance Text

"A proposed ordinance text has been carefully drawn up, reflecting the districts on the map and spelling out their application. A guide and summary is also available for this text.

"The ordinance would totally revise Article 2.5 of the City Planning Code, relating to height and bulk districts. It would add two new definitions and one other Section to Article 1 of the Code, and amend a number of existing Sections in Articles 1, 2, 3 and 6.

"Since the way in which height is measured is often critical, especially on sloping lots, this ordinance specifies the method of measurement in some detail. A new rule is established which requires that a lot sloping downward from the street be split at the center of the block for measurement purposes, so that the entire development can no longer be measured from the upper street. Also, in districts with a height limit of 65 feet or less and no bulk limit, there must be a lateral stepping of height measurement if the street or the ground slopes to the side by more than 10 per cent.

"The ordinance also contains a more precise listing than in existing law of the rooftop features and other items exempt from height limits, as well as a new requirement for enclosure or screening of rooftop mechanical equipment.

"In later public meetings, diagrams will be available to illustrate some of these text provisions. The staff expects assistance in review of these provisions from a committee of the American Institute of Architects local chapter, as well as other persons. The text provisions can, of course, be further refined after such review.

"In developing these controls, the staff has considered additional alternatives. The tendency has been to avoid establishing discretion in application of the controls, either for the Department staff or for the Commission. Where discretion is established through the conditional use procedure, however, the ordinance does not set forth binding formulas.

It is felt that such formulas for the most important conditional use cases -- exceptions to the bulk limits and additional height on Russian Hill -- might not always produce good results and could even give poor results at times in terms of urban design. But the staff would not rule out such formulas if adequate ones could be developed.

"There is also nothing in these proposals that deals directly with the problems of large sites, which are often the sites producing serious external effects in their development. Mandatory reviews by the Commission for sites over a certain size would be in keeping with the Urban Design Plan, which specifically calls for such review. Such a provision could be added during the hearings if it is desired by the Commission.

"An Over-all Appraisal

"If an over-all appraisal is to be made of these height and bulk proposals, it is the staff's view that they should be described as neither overly restrictive nor overly permissive. It may be expected that there will be some disagreement at the hearings and even extreme positions on both sides. There may be requests for greater and less restriction, both generally and by areas of the city. It is the function of public hearings to bring forth these differing points of view.

"The balancing of conservation and change is a great challenge. These proposals attempt to move toward that kind of balance, not preventing growth and change but moderating them and guiding their location and form. We hope that the proposals will be found worthy of San Francisco."

Commissioner Porter stated that she had hoped that the interim controls which had gone into effect in August would continue to prevail while the specific controls just recommended by the staff of the Department of City Planning were being considered by the Commission; however, the City Attorney had advised that the interim controls would not be valid beyond the original six month period specified by the Commission, and that the new controls would be in effect while they are being considered by the Commission and until such time as they are amended or changed. While she regretted the procedures involved, she was satisfied that no other alternative was available to the Commission. She also noted that the Director, during the course of his presentation, had remarked that the latitude for change would be much less great when the Commission's recommendations are being considered by the Board of Supervisors; and she asked for further explanation of that statement.

The Director stated that the Board of Supervisors can accept, reject, or modify only such proposals as have been given specific consideration by the City Planning Commission. If the Board wished to make other changes, it could either return the entire ordinance to the City Planning Commission for further consideration or adopt the ordinance and request the City Planning Commission to consider specific amendments which would modify the adopted ordinance.

President Newman asked whether the Commission would have the authority to change the maps which had been prepared by the staff of the Department of City Planning during the interim period if an error should be detected which appeared to be unfair. The Director replied in the affirmative, but indicated that the Commission would not have the authority to change any existing height limits which have already been enacted by ordinance of the Board of Supervisors.

Commissioner Fleishhacker asked if he were correct in understanding that the height and bulk limits being recommended by the staff of the Department of City Planning would become effective immediately upon adoption of the draft resolution which had been prepared for consideration by the Commission. The Director replied in the affirmative. Commissioner Fleishhacker then asked if building permit applications which had been filed prior to adoption of the resolution by the Commission would be affected by the new controls. The Director replied in the negative but indicated that any applications which had been filed since August would be subject to the interim height and bulk controls initiated by the Commission at that time.

Commissioner Rueda, noting that the Director, during the course of his presentation, had stated that nothing in the new proposals would deal with the problems of large sites, asked if there were any action which the Commission could take to establish special controls for large sites. The Director stated that the staff of the Department of City Planning could report to the Commission as to how the City Planning Code might be amended to deal with that issue. Such an amendment would probably provide that developments proposed for parcels of property beyond a certain size would have to obtain conditional use authorization from the Commission, with the size depending upon the zoning district in question.

Commissioner Ritchie stated that he had been concerned about the special problems posed by large sites and had already discussed the matter with the staff of the Department of City Planning. He felt that the Commission should request the staff to develop additional guidelines relating to large sites for consideration by the Commission.

Commissioner Fleishhacker remarked that specific height and bulk controls were being proposed so that the height of new developments would not be subject to discretionary review by the Commission, thus giving property owners a clearer picture of what types of developments they might construct. However, if the Commission were to take the position that all properties in the City would be subject to specific height and bulk controls except for large sites which would be subject to the discretion of the Commission through conditional use procedures the Commission would actually be moving backward from specific to more general limitations.

The Director presumed that any ordinance recommended by the Commission concerning large sites would not affect the specific height and bulk limits pertaining to such properties; however, since development of such properties might create major kinds of problems for the community, conditional use review by the Commission might be necessary to overcome the types of problems which might be caused.

Commissioner Fleishhacker doubted that much would be accomplished if the Commission were unwilling or unable to change the height and bulk of buildings proposed on large sites.

Commissioner Ritchie felt that it might be possible to establish controls which would govern the erasing of lot lines and the assemblage of large parcels of property. In any case, he felt that the over-all issue should be explored by the staff of the Department of City Planning.

After further discussion, President Newman directed the Director to prepare a report for discussion purposes which would set forth the pros and cons of enacting legislation which would require mandatory Commission review of developments proposed for sites over a certain size.

After further discussion, Commissioner Fleishhacker recommended the adoption of a draft resolution which had been prepared by the staff of the Department of City Planning which read as follows:

"WHEREAS, The City Planning Commission, on August 26, 1971, adopted a resolution of intention to reclassify property throughout the City and County of San Francisco and amend the text and maps of the City Planning Code, by extension and creation of districts for the control of height and bulk, pursuant to the Urban Design Plan adopted by the Commission on said date;

"WHEREAS, The Commission, in said resolution, directed the Zoning Administrator to set a time and place for hearings on said amendments, and instructed the Department staff to study and refine the height and bulk controls of the Urban Design Plan and propose more specific controls in order that such hearings might be commenced; and

"WHEREAS, On February 17, 1972, the Director of Planning has presented to the Commission, according to these instructions, proposed permanent height and bulk controls, consisting of specific maps and ordinance text, for consideration in its forthcoming hearings;

"THEREFORE BE IT RESOLVED, That the City Planning Commission, without approving or deciding upon the merits of said staff proposals, does hereby incorporate the specific maps and ordinance text for its consideration in public hearings in furtherance of the process leading up to final adoption of height and bulk controls for San Francisco."

The motion was seconded by Commissioner Rueda.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 6811.

The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 24, 1972.

The City Planning Commission met pursuant to notice on Thursday, February 24, 1972, at 2:30 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Mrs. Charles B. Porter, Vice President; James J. Finn, Mortimer Fleishhacker, Thomas G. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Walter S. Newman, President.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); James Paul, Planner III - Housing Specialist; Ronald Jonash, Planner II; John Phair, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Dale Champion represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Finn, and carried unanimously that the minutes of the meeting of February 3, 1972, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, called attention to the fact that a full-page legal advertisement giving notice of the Commission's hearings on proposed amendments to the City Planning Code concerning height and bulk limits would appear in all editions of today's Examiner.

The Director advised the Commission that next Thursday's Regular Meeting will begin at 1:15 p.m.

The Director requested the Plan Implementation Committee (Commissioners Finn, Fleishhacker, Porter) to meet next Tuesday, February 29, at 1:30 p.m. to discuss the Jackson Square Historic District Proposal.

At this point in the proceedings, Commissioner Miller arrived in the meeting room and assumed his seat at the Commission table.

The Director informed the Commission that he is scheduled to meet with the City Planning Committee of the 1972 Grand Jury next Thursday morning.

The Director reported that he had attended a Population Growth Symposium luncheon sponsored by ABAG earlier in the afternoon.

The Director recommended the adoption of a draft resolution which he had prepared to indicate the Commission's support of the Chinatown Citizen's Advisory Committee's proposal for construction of low- and moderate-priced housing on a site located at the southwest corner of Stockton and Sacramento Streets. The resolution would also request the Board of Supervisors to designate the site as a re-development survey area to expedite development of the housing through the neighborhood development program as recommended by the Chinatown Citizens Advisory Committee.

Commissioner Fleishhacker stated that the housing being proposed would constitute only a fraction of the housing which is needed in the neighborhood; however, it would be a first step towards implementation of the recommendations which had resulted from the Chinatown 701 planning project. He moved that the draft resolution be adopted. The motion was seconded by Commissioner Rueda. When the question was called, the Commission voted 6-0 to adopt the draft resolution as City Planning Commission Resolution No. 6812.

The Director summarized a memorandum which had been prepared by Alfred Goldberg, Superintendent of the Bureau Inspection, to analyze HUD's new guidelines for choosing FACE areas. Comments extracted from the memorandum were as follows:

"1. Programs must be able to be completed in one year.

This time limit reduced from the present three years is unrealistic since it ignores experience in rehabilitation which demonstrates that a pipeline must be filled with jobs which, in our experience, may take from six months to 24 months to complete depending upon the size of the building, its age, the number of units, the state of disrepair and whether or not the owner is performing some or all of his own work.

The very mechanics of startup, staffing and operation of a rehabilitation program have been ignored by HUD, as has the delays generated by HUD and the Administration by not releasing 312 loan funds thereby delaying contracts from being awarded and completed on schedule and 'bunching up' contract execution thereby resulting in an increase in bid prices.

"2. Only 'good' areas shall be eligible for 117 programs.

The denial of this program to any area where it can work writes off a considerable number of areas that may wish to try FACE rather than have to wait for the eventual clearance that will usually result if attention is not paid to the area. Citizen groups desire to try to save their areas rather than lose their property. The attempts underway in San Francisco, in areas previously earmarked for clearance, prove that rehabili-

tation can be made to work. We are faced with both HUD's and the Administration's failure to understand the rehabilitation process and their continuous attempts to seek new gimmicks at the cost of tens of millions of dollars. Gimmicks don't build buildings but they make good press!

- "3. and 4. Use rehab in areas which are predominately owner occupied and where owners can pay for the work without Federal loans.

This is outright discrimination against the poor, the retired and the aged. Only the middle class will be benefited; the poor will be uprooted. Federal laws are to be misinterpreted so as to benefit only the middle class resident not the entire spectrum of need. It is HUD's intent to use Federal dollars to aid those who can pay and to let the rest fend for themselves. There is no help for the investor owner of apartment houses whose residents are poor minorities. These owners cannot obtain funds from lending institutions, or fire insurance from insurance companies because the areas are red lined and are considered to great a risk.

- "5. Limited eligible public improvements.

The Federal government will ignore the needs and limits of local government funding and will continue to set artificial limits to programs designed to improve neighborhoods as an essential part of the rehab process. Thenonsensical interpretations of the past will be worsened by regulations. Fire alarms and traffic signals are eligible for credits but not the underground wiring to connect them. Manholes and catch-basins are okay but not the sewers needed to empty them. Pavement resurfacing is okay but not the reconstruction or widening needed to provide safe flow of traffic or increased parking, a great problem in older densely built-up cities. That is Federal logic."

The Director then distributed copies of a draft resolution which he had prepared for consideration by the Commission which would express the Commission's strenuous objections to the new guidelines for selection of FACE areas which had been prepared by the Department of Housing and Urban Development (HUD). The draft resolution would also request HUD to rescind the guidelines and to adopt new ones which would solicit the support of the Board of Supervisors in pursuing withdrawal of the new set of restrictive guidelines.

Commissioner Fleishhacker asked if the Director had any idea why HUD had chosen to change its emphasis in the guidelines for selection of FACE areas for Federal funding. While the FACE program might have been extremely successful in San Francisco, he wondered if the program may have been a failure in other parts of the country. He pointed out that most of the buildings in San Francisco are of frame construction; and that fact, coupled with the age of the buildings, creates a unique need for a rehabilitation program such as FACE in San Francisco.

The Director replied that he did not know why HUD had decided to change its guidelines. He agreed, however, that San Francisco has a unique kind of problem; and he felt that it might be appropriate to add a "whereas" clause to the draft resolution to call attention to that uniqueness.

Commissioner Rueda felt that withdrawal of Federal funds would have an extremely bad effect on people who have made plans for rehabilitation of their buildings under the terms of the FACE program. The Director replied that all FACE areas presently in process would be carried through to completion; the new guidelines would affect only the designation of new project areas in the future.

Commissioner Miller stated that a great struggle had been necessitated in order to obtain funds from the Federal government for projects presently in process; however, the government had recently agreed to continue funding of the projects through the end of June, 1973.

After further discussion it was moved by Commissioner Ritchie, seconded by Commissioner Miller, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Commission Resolution No. 6813.

Commissioner Ritchie, referring back to the resolution which the Commission had adopted in support of a proposed housing development for Chinatown on the southwest corner of Stockton and Sacramento Streets, urged that any architects who might be hired for the project be contacted at an early date by the staff of the Department of City Planning to urge that the building be designed to be harmonious with Chinatown.

DISCRETIONARY REVIEW OF FINAL PLANS FOR A SAFEWAY STORE ON THE NORTH SIDE OF TARAVAL STREET BETWEEN 17TH AND 18TH AVENUES.

Robert Passmore, Planner V (Zoning), stated that this item had been placed on the Commission's calendar with the understanding that all property owners in the area had been given an opportunity to review the final plans for the proposed facility. Unfortunately, one of the owners of property immediately adjacent to the subject site had not previously seen the plans and had requested that the Commission's review be postponed. Safeway Stores, Inc. had agreed to the postponement. Mr. Passmore recommended that the matter be removed from the Commission's calendar indefinitely.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the discretionary review of the final plans for the proposed store be postponed indefinitely.

DISCRETIONARY REVIEW OF BUILDING APPLICATION #394911 FOR A 23-UNIT BUILDING ON THE NORTHWEST CORNER OF STANYAN STREET AND PARNASSUS AVENUE, AT THE REQUEST OF THE NEIGHBORHOOD ASSOCIATION.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Scheduled for review today under the discretionary powers of the Commission is a building application for an apartment building on the northwest corner of Parnassus Avenue and Stanyan Street, filed by Martin A. Gaehwiler, owner of the subject property. Discretionary review has been requested by Ms. Mary A. Mullins, owner of property adjacent to the subject property, and her request is supported by the Haight-Ashbury Neighborhood Council.

"The subject property - currently vacant - is a rectangular parcel with frontages of 50 feet on Stanyan Street and 107.5 feet on Parnassus Avenue and an area of 5,375 square feet. Each of the two lots comprising the parcel has uniform dimensions of 25 feet by 107.5 feet, and these dimensions are typical of the lots fronting on Stanyan Street in this block.

"The proposed apartment building, which would contain 22 one-bedroom dwelling units and one two-bedroom unit, conforms to the density provisions of the current R-4 zoning. Land use in the vicinity is predominantly low-to-medium density dwellings, including a substantial number of single-family and two-family dwellings.

"The proposed building contains four floors of living quarters over a basement garage covering the entire site. The floor above that garage would also cover the entire site, with approximately one-half the floor area at that level to be used for required off-street parking. Two dwelling units and a laundry facility serving the building would occupy the remaining floor area at that level. A light court five feet wide and approximately 34 feet long serve one of those two dwelling units. The remainder of the building would consist of three levels of exclusively residential use, with seven dwelling units on each level. Off-street parking is provided for 23 cars.

"AMOUNT AND NATURE OF OPEN SPACE

"A 15-foot rear yard is provided on the roof of the two-story garage, linking up with the 5-foot light court to create an outer court at the three upper levels. No rear yard would be provided at the first level of living quarters, where the only open space would be the inner court described above as being five feet wide and approximately 34 feet long. Neither the rear yard area nor the court is developed as usable open space.

"OVERHANG OF CITY PROPERTY

"A continuous bay and fire escape projects three feet over Stanyan Street along the full building facade beginning at the first level of living quarters and linking up with a continuous bay projecting three feet over Parnassus Avenue along the full building facade beginning at the second level.

"CONTINUOUS GARAGE DOORS AND CURB CUTS

"Three garage doors occupy the entire width of Stanyan Street facade and five garage doors occupy the Parnassus Avenue facade. All but 33 feet of space along the subject corner parcel would be eliminated for on-street parking. There is an existing MUNI stop on the Parnassus Avenue side of the corner.

"HEIGHT

"Plans filed with the permit application show the proposed building to be slightly over 40 feet. The applicant has indicated the possibility of making minor adjustments to bring the building within a height of 40 feet.

"PLANNING CODE PROVISIONS AND
PREVIOUS PUBLIC ACTION

"Section 134 of the City Planning provides that the rear yard requirement for the development of an R-4 parcel shall apply from the window-sill level of the lowest story occupied as dwelling(s). Section 125 uses the same criterion for applying the limitation on lot coverage, which is 80 percent of the total lot area in the development of an R-4 corner property. The lowest of the four living levels of the building covers approximately 97 percent of the lot, and no rear yard is provided at that level although a dwelling with four floors of occupancy in an R-4 district is required to have a rear yard 25 feet deep and the upper three floors of occupancy have a rear yard of only 15 feet.

"Permission for the greater coverage and lesser rear yard area than otherwise required by Planning Code was given by the Board of Permit Appeals in over-ruling a denial of a variance application by the Zoning Administrator.

"In his letter of disapproval, the Zoning Administrator cited the fact that the need for a variance would have been eliminated by the deletion of the two dwelling units comprising the lowest living level, and he noted that deletion of those two dwelling units and two of the required off-street parking spaces would at least make floor area available for permitted accessory uses such as visitor parking or common facilities

serving the three living levels which would contribute to the amenity of a multiple dwelling. The Zoning Administrator further concluded that the 'development is clearly out of scale with the existing character of improvements in the vicinity ...(and) the proposed building design would exert a blighting effect upon low-density and medium-density residential uses nearby.'

"During the hearing before the Board of Permit Appeals a number of residents from the surrounding area appeared in opposition to the proposed development, and questioned the lack of open space, continuous overhangs, amount and placement of curb cuts and windows, and general lack of conformity with the Urban Design element of the Master Plan. In overruling the Zoning Administrator, the Board of Permit Appeals made it clear that it would not consider these questions but only the variance sought.

"The parties requesting discretionary review by the Commission have stated that they seek a hearing on these questions of concern.

"The subject building application was filed prior to the submission on September 23, 1971 of ZM71.18 requesting reclassification of R-4 and R-5 zoned areas in the Haight-Ashbury Neighborhood, including the subject property, to R-3, and the adoption of interim height controls by the Planning Commission on August 26, 1971 placing a 40-foot height limit on the subject and surrounding properties. Thus these two proposed zoning changes do not limit the present building application. If developed to maximum R-3 standards the subject property would have seven dwelling units rather than the proposed 23 units.

"URBAN DESIGN CONSIDERATIONS

"The Urban Design element of the Master Plan includes several relevant considerations.

"Policy 3 for City Pattern is:

"Recognize that buildings when seen together, produce a total effect that characterizes the city and its districts. Buildings, which collectively contribute to the characteristic pattern of the city, are the greatest variable because they are most easily altered by man. Therefore, the relationships of building forms to one another and to other elements of the city pattern should be moderated so that the effects will be complementary and harmonious.

"Fundamental Principles for Conservation include the following:

"1) New development can enhance and preserve San Francisco's distinctive qualities if it is designed with consideration for the prevailing design character and the effect on surroundings.

"2) New blank facades introduced into areas of older, more detailed buildings detract from neighborhood character.

"And Policy 6 for Conservation, then is:

"Respect the character of older development nearby in the design of new buildings. The new and old can stand next to one another with pleasing effects, but only if there is a similarity or successful transition in scale, building form and proportion.

"In assessing new development in terms of human needs, the Urban Design Plan defines scale and the importance of scale in new development not only in terms of height and bulk, but also in overall appearance 'complementary to the building forms' and relative to the appearance of past developments in each district.

"Finally, in dealing with the neighborhood environment, the Urban Design Plan finds that 'neighborhood quality is of overriding importance to the individual.' One Fundamental Principle of Neighborhood Environment is: 'Parking garages lack visual interest if they have extensive rows of doors. ... Extensive curb cuts prevent planting and other enhancement of the street, eliminate curb-side parking and are potentially dangerous to pedestrians.'

"The concluding policy of the Urban Design Plan element of the Master Plan of San Francisco is:

"Protect the livability and character of residential properties from the intrusion of incompatible new buildings."

George Choppelas, attorney for the applicant, stated that his client had purchased the subject property approximately four years ago and had talked with Mr. Johnson of the staff of the Department of City Planning at that time about any potential development problems. Mr. Johnson had ventured the opinion that a three-story building requiring a variance from the rear yard requirements of the City Planning Code would be more acceptable to the staff of the Department of City Planning than a four-story building with open space in back. The request for the variance had later been denied by the Zoning Administrator but had been approved by the Board of Permit Appeals. While the plans which had been approved by the Board of Permit Appeals would have resulted in a height of slightly more than 40 feet for the building, the applicant had assured that Board that he would alter the plans so that the building would not have a height of more than 40 feet. Since the time when the project had been initiated, the applicant had decreased the number of units proposed by 17%, reduced the floor area ratio by 17%, and reduced the height of the building by 19%; and, in doing so, he had increased the coverage on the site by 9%. Some residents of the subject neighborhood had appeared before the Board of Permit Appeals in favor of the proposed development; and one of the people who had opposed the project at that time had since changed his mind and had wanted to attend the present meeting to speak in favor of the proposal but had been kept at home by his doctor. Mr. Choppelas remarked that the subject site is located in the immediate vicinity of the University of California Medical Center; and he felt that the

building being proposed by the applicant would be in keeping with the character of the neighborhood. He also advised the Commission that the subject building permit application had been filed in March, 1971; and, since almost one year had elapsed since that time, the matter was becoming somewhat of a hardship for the applicant.

Mr. Schaaf, engineer for the applicant, confirmed that the general shape of the building consisting of 3½ residential floors had originally been recommended by the staff of the Department of City Planning. Furthermore, while the staff now objected to the open space provided on the roof of the garage as being unusable, he noted that the level of the open space would be only one floor above grade. While Mr. Passmore, in his report, had objected to the fact that some of the units in the proposed building would front on light courts, Mr. Schaaf remarked that it is typical of apartments in San Francisco to have at least one dwelling unit per floor fronting on a light court. And he felt that the proposed building would be at least as good as and probably better than any other apartment building in San Francisco. He felt that usable space could be developed on the roof of the garage; however, because of the poor weather conditions in the subject neighborhood, he doubted that the area would ever be used by residents of the building. If the Commission wished to require that usable open space be provided, the applicant would comply with the Commission's request. While the Zoning Administrator, in disproving the variance request, had cited the fact that the need for a variance would have been eliminated by the deletion of the two dwelling units comprising the lowest living level of the building, Mr. Schaaf stated that he had prepared and presented such a plan; however, since the staff of the Department of City Planning had not acted on the revised plans, the variance decision had been appealed to the Board of Permit Appeals. Mr. Schaaf emphasized that only 23 dwelling units were being proposed instead of the 27 units which would be permitted on the site; and instead of being five stories high, the proposed building would consist of only four floors. The overhanging bay would not be continuous since it would be broken by the fire escape on the Parnassus Avenue frontage of the building. Furthermore, alternate plans with a broken overhang had been filed with the staff of the Department of City Planning, but had not been acted on by Mr. Passmore. With regard to the issue of curb cuts, Mr. Schaaf remarked that it would be extremely difficult to design a workable garage for the building with only two curb cuts; and he indicated that he had not had a chance to review that problem in detail.

Commissioner Ritchie inquired about the number of people who would be living in the proposed building. Mr. Schaaf replied that he anticipated that the units would be occupied by young married couples who would work or attend classes at the University of California Medical Center. In reply to a further question raised by Commissioner Ritchie, Mr. Schaaf stated that only one elevator would be provided in the proposed building.

Commissioner Rueda asked about the rents which would be charged for apartments in the building. Martin A. Gaehwiler, the applicant, replied that apartments in the building would range in price from \$180 to \$200 per month.

Mr. Passmore stated that he had conducted the hearing on the variance application which had been filed by the applicant in May, 1971. Following the hearing, new plans had been submitted in which the two lower dwelling units were deleted. The staff had mentioned that there was a great deal of concern about the continuous overhang and about the curb cuts being proposed; and the applicant indicated that he would try to work out those details. No further revisions had been submitted; and, as a result, the staff of the Department of City Planning had decided to proceed with a decision on the original variance application in November.

Mr. Schaaf stated that revised plans modifying the overhang had been submitted to the staff of the Department of City Planning. When asked by Commissioner Fleishhacker if the revised plans were available in the meeting room Mr. Schaaf replied in the negative.

Mr. Choppelas stated that his client would be willing to modify the overhang as indicated in the revised plans which he had submitted.

Commissioner Fleishhacker asked if the applicant would also be willing to delete the two lower dwelling units from the project. Mr. Choppelas replied in the negative, emphasizing that the primary reason for seeking a variance had been to enable the retention of the two units. He stated that the only change which his client would be prepared to make in the plans would be to eliminate the overhang.

Mr. Schaaf stated that it would be disastrous to eliminate the overhang completely; however, it would be feasible to change the continuous overhang to a series of bays.

Mrs. Mary Mullins, 1049 Stanyan Street, stated that the proposed building would be constructed immediately adjacent to her property. She stated that she and other residents of the neighborhood were opposed to the applicant's proposal because of the density of the project and because of the impact which it would have on traffic in the area. She stated that she supported the application which had been filed with the Commission to reduce the zoning of the properties in the area to R-3 to prevent future construction of buildings with extreme densities. She informed the Commission that several single-family residences exist across the street from the subject site; and she did not feel that the proposed building would be in harmony with the character of existing development in the area. She also emphasized that the intersection of Stanyan Street and Parnassus Avenue is an extremely dangerous one for traffic. She did not feel that there is a critical need for housing of the type being proposed in the subject neighborhood; and she indicated that she has two vacant apartments in the area at the present time which rent within the same price range which had been quoted by the applicant. Mrs. Mullins emphasized that one of the principles of the Urban Design Plan is that new buildings should be compatible with buildings already existing in a given neighborhood; and she believed that the proposed building, if approved, would interfere with her enjoyment of light and privacy in her own home. In her opinion, the best use of the subject property would be for park purposes with trees planted on Stanyan Street and Parnassus Avenue.

Commissioner Finn asked Mrs. Mullins if she would be willing to purchase the property for that sort of development. Mrs. Mullins replied that she would be willing to do so if she had adequate resources.

Commissioner Porter advised Mrs. Mullins that the City Planning Commission does not have the right to confiscate private property for public use. Mrs. Mullins replied that she was aware of that fact; and she believed that the owner of the property should be compensated for his loss by either the local government or the Federal government.

Calvin Welch, Corresponding Secretary of the Haight-Ashbury Neighborhood Council, stated that the Haight-Ashbury district is open to certain kinds of pressures. Yet, residents of the neighborhood are strongly committed to the area as a place to live; and, as a result, they were hopeful that the application for extensive rezoning of the area would be approved by the City Planning Commission at its meeting next week. Mr. Welch objected to the giving away of air rights over City-property to allow applicants to construct continuous overhangs; and, while the proposed building would have a height of only 41 feet when measured from a certain point, the actual height of the northeast corner of the building would be 63 feet. Although the applicant's representative had assumed that dwelling units in the proposed building would be rented to students attending the University of California Medical Center, he had discussed the matter with the Medical Center's Campus Planner who had stated that the real housing need is for two- and three-bedroom units for families. In any case, he doubted that students attending the Medical Center would be able to afford apartments which would rent for \$180 to \$200 per month. In conclusion, Mr. Welch stated that the proposed building would be massive, that it would be out of keeping with other buildings in the area, and that it would have a horrible effect on traffic; and he indicated that the members of the Haight-Ashbury Neighborhood Council, who have increasingly developed strong feelings against buildings with such features, felt that the plans for the project should be disapproved.

Byron Bray, Chairman of the Housing Committee of the Haight-Ashbury Neighborhood Council, stated that the Housing Committee has a subcommittee on traffic and transportation. He stated that there is a great deal of concern about Stanyan Street, a single lane street which was designated as a secondary arterial in the Urban Design Plan. Similar circumstances pertain to Parnassus Avenue which also has a bus stop located at the corner of Stanyan Street. The transportation plan prepared by the staff of the Department of City Planning had indicated that traffic counts had shown that approximately 7,000 vehicles use Stanyan Street in a 24-hour period and that approximately 6,000 vehicles use Parnassus Avenue in the same time span. He stated that a market is located across the street from the subject site; and he stated that it is impossible to get into or out of the parking lot at the market between the hours of 4:00 P.M. to 6:00 P.M. Furthermore, it is virtually impossible to negotiate the intersection of Parnassus Avenue and Stanyan Street between those hours. Under the circumstances, he felt that construction of the proposed building on the subject site with continuous curb cuts on Stanyan Street and Parnassus Avenue would create a situation which would be extremely dangerous for residents of the neighborhood, for people traveling to and from the

University of California Medical Center, and for the people who would be occupying the proposed project. He urged that these factors, as well as the design of the proposed building, be taken into consideration by the Commission.

Commissioner Porter asked if the Haight-Ashbury Neighborhood Council would be opposed to any development on the subject site or if its objections were directed solely towards the development proposed by the present applicant. Mr. Bray replied that his organization feels that property owners should have a right to develop and utilize their properties. However, the development undertaken should be consistent with the health, safety, and amenities of the neighborhood in which the property is located.

Rena McCauley, Chairman of the Governmental Affairs Committee of the Haight-Ashbury Neighborhood Council, stated that it was her understanding that the Edgewood Association had taken a strong stand in opposition to the proposed development because of the effect which it would have on traffic and parking congestion in the area. While Mr. Bray had stated that traffic counts had indicated that 6,000 vehicles use Parnassus Avenue in a 24-hour period, she believed that the correct figure for the street is 13,000 vehicles per day. She stated that property owners on Edgewood Avenue and Willard Street already have difficulty getting into and out of their garages because of illegally parked cars; and she believed that the 23 unit building being proposed would increase parking congestion in the area. In conclusion, she stated that the proposed building would not harmonize with most of the buildings in the neighborhood; and she felt that the plans should be disapproved.

After Commissioner Porter had asked if the Edgewood Association opposed any development of the subject site whatsoever, Mrs. McCauley replied that members of the association would, of course, prefer to see the property be developed as usable open space; however, being realistic about the matter, they realized that the property would be developed and hoped that the development would conform with the neighborhood.

Ed Dunn, President of the Haight-Ashbury Neighborhood Council and the owner of property located within a 300-foot radius of the subject site, agreed with the remarks which had been made by the previous speakers in opposition to the subject application. He felt that the proposed project would have a detrimental effect both on the flow of traffic through the neighborhood and on the availability of on-street parking spaces. In addition, he observed that it was unfortunate that residents of the subject neighborhood had not been contacted by the applicant to discuss the plans for the proposed development in spite of the fact that the dispute had a long history.

The Secretary called attention to a letter which had been received from Susan Smith of the Land Use Committee of San Francisco Tomorrow and which read as follows:

"The interest of our members is in the physical environment of San Francisco. We have some 500 members plus their families drawn from neighborhoods throughout the city.

"We urge rejection of the 23 unit application for the following reasons:

"(1) The Zoning Administrator of the City Planning Commission found several valid objections to the application, and urged it be rejected.

"(2) The Board of Permit Appeals is infringing on the responsibilities of the Planning Department in overturning the recommendation of the Zoning Administrator, without proper justification, if there ever is such.

"(3) The 'height and bulk' guidelines which went into effect last week considers the effects on neighborhoods of parking and traffic congestion in judging the suitability of building application. Stanyan and Parnassus is a major, congested intersection adjacent to the vast University of California Medical Center complex.

"(4) The Urban Design Plan describes the misuse of the Bay Window in street overhang by new apartment buildings. The Urban Design Plan deserves to be honored and this misuse halted.

"(5) To provide an attractive, livable environment for San Francisco residents, it is necessary to restrain real estate speculation and overbuilding. We would like to quote from a recent study of the California Legislature, 'it should be clear that there is no foundation in law to support the popular view which holds that whenever governmental action results in a deprivation of property or a reduction in value, there is a taking or damaging for which compensation must be paid'. We are enclosing a Xerox copy referring to several lawcases which have so clearly established this principle."

The Director remarked that the case under consideration was similar in many respects to a case previously heard by the Commission in which a building proposed for the Southwest corner of Broadway and Buchanan Streets was disapproved. As a result of the Commission's action on that instance, the project was redesigned by the applicant; and the building which was finally constructed harmonized much better with others in the neighborhood than the one which had originally been proposed would have. Given the plans which had been submitted by the applicant for the project presently under consideration, the Director felt that he would have to recommend disapproval of the project based on the continuous overhang, the parking problems posed by the building, and the lack of amenities such as usable open space and street tree planting. However, if those aspects of the plans were still negotiable, as had been suggested by Mr. Schaaf, he believed that it might be desirable for the Commission to postpone its decision on the matter. Given the fact that the property is zoned R-4, he did not feel that he could request the applicant to reduce the density of the project.

Commissioner Fleishhacker felt that the Commission should assure the applicant that postponement of action on the matter would not in any way prejudice his position. He felt that such assurance would be particularly important since the Commission was scheduled to consider an application for reclassification of properties throughout the Haight-Ashbury District, including the subject site, during its regular meeting next Thursday. The Director replied that the subject property would

not be affected unless the rezoning should be approved by the Board of Supervisors before the subject building permit application is approved; however, he regarded such a situation as being highly remote.

Commissioner Ritchie read the following prepared statement:

"There is something that bothers me, in this case, and to me it seems to be the lack of good architectural design.

"We have a number of controversial projects that come before us, both large and small, and it is time to consider the small ones as carefully as the big ones.

"We all know that economics controls design, to a great extent.

"I find this particular proposed structure incredibly ugly - typical of the mostly wood-frame and stucco monstrosities that we are seeing sprawling up all over the city - wall-to-wall units, from lot line to lot line.

"I find the long window over-hang feature objectionable - these are not bays at all - but one continuous mass over the sidewalk. One elevator is partly limited for so many units, and the long hallways, with tiny windows, are drab and un-inviting. They will look much worse later. The limited number of curb-cuts, the lack of trees, and the lack of variety and style produce, for me, a very negative effect.

"The reason, of course, that it is to me so ugly is that it lacks imagination, and squeezes into almost all of the cubic footage within which the site can reasonably be developed - and the result is a box-like structure with massive overhangs, and monotonous garage doors that is generally unattractive, and therefore by its true incompatibility produces a structure which interferes with the livability and character of the neighborhood, working a very detrimental effect upon it.

"Therefore I am voting in favor of the director's recommendation."

Mr. Choppelas stated that his client does have plans which call for bay windows rather than a continuous overhang; and he believed that usable open space could be developed on the roof of the garage. The parking problem would require additional study before a decision could be made regarding the feasibility of changes. If the matter were to be taken under advisement, he hoped that it could be returned to the Commission's calendar in one week. He remarked that even if two- or three-bedroom units were to be constructed in the area, they would probably be occupied by single people and not by families; and, as a result, both the traffic and the parking situation would become worse in the subject neighborhood.

The Director recommended that further consideration of the plans be taken under advisement until the meeting of March 9.

Commissioner Porter stated that she was extremely unhappy about the type of overhangs which have been permitted by recent changes in the Building Code. She felt that the Department of City Planning should make an effort to correct the situation by amending the City Planning Code.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Rueda and carried unanimously that the matter be taken under advisement until the meeting of March 9, 1972.

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 2, 1972.

The City Planning Commission met pursuant to notice on Thursday, March 2, 1972, at 100 Larkin Street at 1:15 p.m.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Maurice F. Groat, Planner IV - Urban Systems Analyst; Beatrice Ryan, Planner III; Joseph Fitzpatrick, Planner III; James White, Planner III - Transportation; Daniel Sullivan, Planner III (Zoning); Emily Hill, Planner II; Joan Lamphier, Planner II; Charles Forester, Planner II; John Phair, Planner II; Alan Lubliner, Planner II (Zoning); Ronald Jonash, Planner II; and Lynn E. Pio, Secretary.

APPROVAL OF MINUTES

It was moved by Commissioner Mellon, seconded by Commissioner Fleishhacker, and carried unanimously that the minutes of the meetings of February 10 and 17, 1972, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, advised the Plan Implementation Committee (Commissioners Finn, Fleishhacker, Porter) of a meeting scheduled next Wednesday, March 8 at 3:30 p.m. to review the staff's City-wide height and bulk proposals.

The Director announced that next Thursday's Regular Meeting will begin at 1:15 p.m.; and he indicated that a number of the meetings to be held in the foreseeable future may have lengthy agendas.

The Director requested an Ad Hoc Committee (Commissioners Newman, Ritchie, Rueda) to meet next Friday, March 10 at 1:30 p.m. to review the staff's City-wide height and bulk proposals.

The Director informed the Commission that he had met with the City Planning Committee of the 1972 Grand Jury earlier in the day.

President Newman called attention to a letter which had been received from Robert Lilienthal asking the Commission to hold a public hearing regarding the proposed Golden Gate Headlands National Recreation Area. The Director, noting that the

Board of Supervisors has already held one public hearing on that matter and is scheduled to hold another in the near future, recommended that no public hearing be held by the Commission. He indicated, however, that he would be willing to prepare a report and draft resolution on the matter for consideration by the Commission. President Newman requested that the staff report be prepared and presented to the Commission.

Commissioner Porter requested that an effort be made to encourage local newspapers to print more detailed information concerning the City-wide height and bulk proposals which have been recommended by the staff of the Department of City Planning.

President Newman stated that he had received a letter from Ronald Pelosi, President of the Board of Supervisors, requesting the Commission to comment on a proposal for a new redevelopment project in the South of Market area in the vicinity of the Main Post Office. The Director stated that the staff would prepare a report on this matter with recommendations for action by the Commission.

PRESENTATION OF 1970 CENSUS SUMMARY AND ANALYSIS REPORT

Maurice F. Groat, Planner IV - Urban Systems Analyst, presented and summarized the report which is available in the files of the Department of City Planning. Following the presentation, he responded to questions raised by members of the Commission.

At 1:55 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 2:00 p.m. for hearing of the remainder of the agenda.

CU71.46 - THE TWO BLOCKS BOUNDED BY WALLACE AND UNDERWOOD AVENUES AND HAWES AND GRIFFITH STREETS; THE BLOCK BOUNDED BY UNDERWOOD AND THOMAS AVENUES AND GRIFFITH AND FITCH STREETS; AND THE EASTERLY PORTION OF THE BLOCK BOUNDED BY THOMAS AND SHAFTER AVENUES AND GRIFFITH AND FITCH STREETS.

REQUEST FOR AUTOMOBILE DISMANTLING ON OPEN LOTS; IN AN M-1 DISTRICT.

(POSTPONED FROM MEETINGS OF OCTOBER 7 AND DECEMBER 2, 1971, AND FEBRUARY 3, 1972).

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He indicated that the Commission had postponed hearing of the application on several occasions in order to enable the applicants to work with the Mayor's office in an attempt to acquire a warehouse at Evans Avenue and McKinnon Street as an alternate location for the proposed development.

John Tolan, Mayor Alioto's Deputy for Development, stated that the cost of the alternate project would have been approximately \$2,300,000; and he indicated that

the automobile dismantlers did not feel that they could afford to spend more than \$1,600,000. The Fire Department had expressed concern about use of the warehouses for automobile dismantling activities; and, as a result, a greater amount of remodeling of the buildings would be required than had been anticipated originally. While he had hoped that San Francisco would become the first city in the nation to place its automobile wrecking activities indoors, he had come to the conclusion that the automobile dismantlers could not attain that objective themselves without some sort of subsidy.

Harold Cutler, representing the Automobile Dismantlers, stated that his clients had cooperated with the Board of Supervisors and had followed the suggestion of that body to prepare plans showing development of the subject site with baffles to screen the proposed development from surrounding residential districts. Furthermore, his clients had cooperated with the Mayor's Office and had pursued acquisition of the old Navy Warehouse as an alternate site for the development. The automobile dismantlers had understood that City funds might be available if either the baffle project or the warehouse project proved to be economically infeasible; yet, while both alternatives seemed to be too expensive for the dismantlers to undertake without a subsidy, no subsidy was being offered by the City.

Commissioner Fleishhacker asked if he were correct in understanding that the automobile dismantlers could not afford to construct the baffles even if they were to be required by the Commission as a condition for approval of the application. Mr. Cutler replied in the affirmative, stating that it now appeared that the cost of the baffles would bring the price of the project to \$1,900,000 which is in excess of the \$1,600,000 price which the dismantlers feel that they are able to pay.

Allan B. Jacobs, Director of Planning, remarked that the only thing which made the application presently under consideration different from the application which had previously been disapproved by the Commission was the fact that the new plans called for a system of baffles to screen the subject property from adjacent residential areas. If the baffles were not to be provided, the application would be little different from the one which had been previously approved by the Commission. He suggested that the Commission should either (1) proceed to hear the matter under consideration and take action on it or (2) to approve a request for withdrawal of the application without prejudice if the applicants wished to make such a request. He did not feel that further postponement of the hearing would be desirable.

Mr. Cutler advised the Commission that his clients were not in a position to request withdrawal of the application without the concurrence of the Redevelopment Agency; and he indicated that he did not know what that agency's stand would be on the question. The Director emphasized that the City Planning Commission had made no prior commitment with the Redevelopment Agency concerning the proposed development. He stated that the Commission would have complete independence in making its decision on the subject conditional use application.

Commissioner Porter remarked that automobile dismantlers are needed in the City; yet, no one seems to want to have such activities located in their neighborhood. If no alternate sites are found for the automobile dismantlers, she wondered if they would remain in Butchertown, thus holding up that redevelopment project. The Director replied that he was not certain what would occur if no alternate site could be found for the automobile dismantlers. He expected that the Redevelopment Agency would wish to proceed with its project; and, while that agency may have a moral responsibility to help the dismantlers to find an alternate site, it might feel that it has already done what it could in that regard.

Commissioner Mellon asked if the automobile dismantlers felt that withdrawal of the application would prejudice their position in any way. Mr. Cutler replied in the affirmative.

President Newman stated that the Commission would proceed with hearing of the subject application.

Mr. Steele described the proposed development in detail, emphasizing that visual baffles 20 feet high had been proposed within the subject lot to screen the view of the interior of the yards from Hunter's Point Ridge.

Roy Anderson, representing the Automobile Dismantlers, noted that numerous presentations of the program proposed by the dismantlers had been made before the Commission; and he saw no reason to repeat the presentations at the present time. He distributed sketches of the baffles which had previously been proposed for the subject site, noting that they were now considered to be too expensive to be economically feasible. He remarked, however, that it might be feasible to screen the perimeters of the site rather than the interior of the site with the baffles; and, he stated that he would be prepared to explore that scheme at greater length to see if it would be acceptable to the Commission.

Commissioner Rueda felt that the preferable approach would be for the dismantlers to withdraw the subject application and to return to the Commission with a new application if substantial revisions were to be proposed.

Arthur Evans, representing the San Francisco Redevelopment Agency, felt that the Navy Warehouse would have made a superior location for the automobile dismantlers; and he believed that the baffles proposed for the subject site would have screened the automobiles from residences on Hunter's Point. He was sorry that neither project seemed to be economically feasible at the present time; however, that determination could be made only by the automobile dismantlers. If the dismantlers felt that they could afford to proceed with development of the subject site as originally proposed, approval of the application would be supported by the Redevelopment Agency. If not, there would seem to be no reason for approval of the application.

Mr. Anderson stated that he wished to "set the record straight". He indicated that he is an appraiser; and he felt that the analysis of the warehouse property

had been a farce. He also stated that the City had given unwritten assurance to the automobile dismantlers that means would be found for financing the construction of baffles on the subject property if they should prove to be too expensive for the dismantlers; yet, in spite of that fact, no help was offered when it was needed. Mr. Anderson stated that the automobile dismantlers could afford to proceed with the development of the subject site which they had originally proposed; however, they could not afford to "pave the streets with gold" or to proceed with "wild schemes" such as the installation of baffles in the interior of the site.

President Newman noted that the Commission had offered an opportunity for postponement of the hearing so that the dismantlers could re-evaluate their proposal. Mr. Anderson replied that it was his understanding that the automobile dismantlers could be "thrown out onto the streets" by the Redevelopment Agency if they were to request postponement of the hearing; and he felt that he could not take such a responsibility on himself. He stated that the project originally proposed by the dismantlers was estimated to cost \$1,500,000; and he believed that it would still be feasible for the dismantlers to afford that development.

Harold Madison, President of the Shafter Avenue Community Club, advised the Commission that the dismantlers had never made an effort to discuss their new proposal with residents of the subject neighborhood; and residents of the Bayview-Hunter's Point area were convinced that the proposed development would completely ruin the environment of the neighborhood. He emphasized that residents of the area want the neighborhood to be a decent place for raising children; and they do not believe that use of the subject property for 19 junk factories would help to achieve a family type of environment in the area. He stated that the 20-foot baffles proposed would not block the view of the junk yards from Hunter's Point Ridge, where a great deal of money is being spent for new housing. He remarked that a number of people in the neighborhood had been extremely concerned about the proposed development and had left their jobs to come to the Commission's meeting on several occasions when the matter had been scheduled for discussion; each time, however, the matter had been postponed. He urged that action be taken on the matter during the current hearing and that the application be disapproved.

Commissioner Rueda, noting that Mr. Madison had expressed regret that the dismantlers had not met with residents of the neighborhood to discuss their proposal, asked if residents of the area would still be willing to receive representatives from the dismantlers if action by the Commission were to be postponed. Mr. Madison replied in the affirmative.

Commissioner Porter remarked that the statements which had been made earlier by Mr. Madison had left her with the impression that use of the subject properties for automobile dismantling would not be acceptable to residents of the adjacent community under any circumstances. Mr. Madison stated that every position taken by his organization is reached through democratic proceedings. Previously, the members of the organization had voted unanimously to oppose the dismantlers' original proposal for use of the site. However, if the Commission wished to postpone action on the present proposal, the members of his organization would be willing to meet with the dismantlers and to vote on the revised project.

Harold Brooks, Jr., Director of the Bayview-Hunter's Point Model Neighborhood Agency, stated that the Model Neighborhood Commission had met on the previous evening and had voted once again to oppose the proposed relocation of the automobile dismantlers from Butchertown to the subject site. He displayed a map which he had prepared to illustrate the residential potential of the subject neighborhood; and, in addition, he displayed and distributed a map showing isolated industrial sites which are available and which would be more appropriate locations for automobile dismantling activities. He stated that the Model Neighborhood Commission is concerned about balanced development in the Bayview-Hunter's Point area as well as in the City as a whole; and he remarked that it should be the responsibility of the City as a whole, and not just the Bayview-Hunter's Point area, to find a suitable location for the automobile dismantlers if the dismantling industry is necessary for San Francisco. In fact, some sort of public subsidy might be necessary to achieve the best solution to the problem.

Commissioner Porter asked if he would be willing to discuss the matter further with the automobile dismantlers or if he was unalterably opposed to the proposed development. Mr. Brooks replied that the Cost of the Navy Warehouse is not significantly greater than the money which the dismantlers have at their disposal; and he felt that it might be desirable for the City to subsidize the difference so that the dismantling activities could be located within an enclosed area. He also suggested that it might be appropriate to use a portion of the gasoline tax to finance the subsidy. By placing the dismantlers within the warehouse building, the residential environment of the subject neighborhood would be preserved; however, no matter where the proposed facility is to be located, he emphasized that it should be carefully policed so that wrecked cars are not parked all over the public streets.

The Director remarked that the dismantlers' proposal for use of the subject site had been before the Commission for an extremely long period of time; and, while additional time might be fruitful in terms of considering the actual design of the proposed facility, he did not believe that general agreement could ever be reached with regard to the proposal to use the subject site for automobile dismantling. Under the circumstances, he recommended that the application be disapproved. He remarked that a previous application requesting permission to use the site for automobile dismantling had been disapproved by the Commission. Subsequently, a new application was submitted calling for the placement of baffles on the site; and, in order to be heard by the Commission, a determination had had to be made that the baffles made the application substantially different from the one which had been previously disapproved by the Commission. During the present hearing, the Commission had been advised that the dismantlers could not afford to install the baffles as proposed; and, while Mr. Anderson might regard the baffles as "gold plating", the staff of the Department of City Planning was of the opinion that the baffles would have to be installed as an absolute minimum requirement if the proposed use of the site were to be found acceptable by the Commission. He emphasized, however, that no assurance had been given by the staff of the Department of City Planning to the applicants that the proposed development would be an acceptable use of the site or that any City subsidy might be available for the baffles.

The Director proceeded to explain his reasons for recommending disapproval of the subject application, as follows:

- "1. Efficiently operated, moderate-sized urban wrecking yards outside San Francisco have yards of approximately 67,000 square feet, employ approximately 20 persons, and process an average 5 to 10 cars per day.
- "2. The average automobile dismantler in San Francisco has a lot approximately 30,000 square feet in area, employs 3 persons and processes approximately 2 cars per day. In short, the average San Francisco operation is very small and less efficient.
- "3. Efficient operation of the dismantling business in San Francisco does not require 43 separate yards spread throughout the City. Last year San Francisco had approximately 6,000 abandoned cars towed from the City streets, only 4,606 of which were later authorized to be dismantled. The total number of cars dismantled in San Francisco last year was 7,000, according to a report by the Auto Dismantlers Association to the Federal Government.
- "4. If the average San Francisco yard were 60,000 square feet in size and processed 7 to 8 cars per day on an average 20-working-day month, only 4 wrecking operations would be required to process the 7,000 cars reported to have been dismantled in San Francisco last year. San Francisco has 43 wreckers--14 known to be existing outside the redevelopment area and one authorized to be located in an enclosed building.
- "5. The large number of small automobile wrecking operations in San Francisco has resulted in excessive competition and economically marginal businesses incapable of complying with reasonable performance standards for the industry. The auto dismantlers have stated before the Commission several times that they cannot finance the minimal improvements which would be recommended to protect residential or industrial property owners in the area, and no governmental assistance to such economically small businesses is presently available.
- "6. The proposed use of 4 blocks in this area for auto wrecking would result in severe under-utilization of property and concentration of a potentially blighting industry. Already 4 automobile wrecking yards are in the vicinity, and the predominant character of industry which would result, if the application is approved, would be open salvage yards.
- "7. The South Bayshore element of the comprehensive plan of San Francisco designates this area for industrial use, but specifies that labor intensive uses should have priority. Concentration of

auto wrecking here would pre-empt the use of the property for uses not labor intensive. Once located here, we could not reasonably expect to move the wreckers when other industrial development is feasible.

- "8. Industrialists in the area have indicated concern that adequate visual safeguards be maintained. Looking down on extensive auto wrecking yards can have a detrimental effect on business for food related industries and the furniture storage industry. A concentration of auto wrecking may impede further development of the area in such labor intensive industries.
- "9. The proposed site is within one block from viable family housing which is presently being considered for a FACE area. Wrecking yards so close to residences detract from residential amenities and result in lower residential property values.
- "10. Primary truck access is through residential streets. The safety of residents, especially children is thereby jeopardized. The noise and increased traffic reduce the desirability of living in the area."

Mr. Tolan assured the Commission that Mayor Alioto had not lost interest in the problem being faced by the automobile dismantlers. Based on the City's current unemployment rate of 7.3%, the Mayor had sought and obtained action from the Federal Government declaring San Francisco to be one of the cities in which certain industries will be eligible for 50% Federal Grants. Mr. Tolan noted that the automobile dismantlers, in addition to removing automobiles from the City's streets, also serve as suppliers of parts for automobiles; and, as such, the dismantlers are an important factor in a major industrial employment base. As a result, he felt that the dismantlers might be eligible for a Federal Grant; and he was hopeful that such a grant would make it feasible for the dismantlers to obtain indoor warehouse space for their operations.

Mr. Anderson felt that it was a crime that neither the City of San Francisco nor the Federal Government had been able to make funds available to assist the automobile dismantlers in their worthwhile project, especially in view of the fact that the government is spending millions of dollars to bomb the Vietnamese. He also observed that it will cost residents of San Francisco considerably more money to discard their old automobiles if the dismantlers are forced to relocate outside of the City.

Commissioner Ritchie stated that he intended to abstain from voting on the subject application because he owns property in the block located immediately south of the subject site.

Commissioner Fleishhacker moved that the subject application be disapproved. In making the motion, he indicated that he was aware that the City would still be faced with the problem of finding a suitable site for the automobile dismantlers.

The motion was seconded by Commissioner Porter. She, also, expressed concern about finding an appropriate site for automobile dismantling activities.

When the question was called, the Commission voted 6-0 to adopt Resolution No. 6814 and to disapprove the subject application. Commissioner Ritchie abstained from voting.

CU71.48 - BORDEN DAIRY, 1325 POTRERO AVENUE, 1401-1477 POTRERO AVENUE, 1458-1464 SAN BRUNO AVENUE; POTRERO AVENUE, EAST LINE, 98 FEET SOUTH OF 25TH STREET, A THROUGH PARCEL TO SAN BRUNO AVENUE.
REQUEST FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF 320 LOW-RISE DWELLING UNITS FOR LOW- TO MODERATE-INCOME FAMILIES AND ELDERLY PERSONS, AND A COMMUNITY BUILDING.
(UNDER ADVISEMENT FROM MEETINGS OF DECEMBER 2, 1971 AND JANUARY 6 AND FEBRUARY 3, 1972).

Robert Passmore, Planner V (Zoning), stated that the proposed project had been taken over by a joint venture which had not as yet been able to prepare adequate plans for presentation to the City Planning Commission. The applicants had requested that the matter be continued under advisement until the meeting of April 6; and the staff of the Department of City Planning had no objection to that request.

At this point in the proceedings, Commissioner Ritchie temporarily absented himself from the meeting room.

After discussion, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the subject application be continued under advisement until the meeting of April 6, 1972.

R71.46 - LEASE OF PROPERTY: GEARY-PRESIDIO CAR BARN AND BUS YARD, BLOCK 1072, LOT 1.
(UNDER ADVISEMENT FROM MEETING OF DECEMBER 2, 1971).

ZM71.24 - PRESIDIO YARD: THE BLOCK BOUNDED BY PRESIDIO AVENUE, EUCLID AVENUE, MASONIC AVENUE AND GEARY BOULEVARD.
P TO A C-2 DISTRICT.
(UNDER ADVISEMENT FROM MEETING OF DECEMBER 2, 1971).

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"On December 2, 1971, the Commission heard the subject proposal involving two separate actions by the Planning Commission:

- 1) Submittal by the Director of Property of the Public Utilities Commission proposal to lease for period not exceeding 50 years the land rights of that portion of the Geary-Presidio Car Barn site occupied presently by the Car Barn fronting on Geary

Boulevard and the air rights over the rest of the site occupied by Muni Railway maintenance shops and open storage of trolley and motor buses for review and recommendation by the City Planning Commission regarding the conformity of such a proposal with the Master Plan.

- 2) Proposal by Director of Property in behalf of Public Utilities Commission to reclassify entire parcel from P to C-2.

"On December 2, 1971, after the presentation of these two matters, including my recommendation for action, the Commission continued the matter to January 6, 1972, when the matter was postponed to today at the request of the Director of Property to allow analysis of my recommendation by potential developers of the subject parcel.

"As you will recall, on December 2 my recommendation agreed with the decision of the Public Utilities Commission that portions of the subject site were surplus to Municipal Railway needs and other City portions purposes and could be leased for appropriate private development, but I did not agree that the portion of the parcel north of Post Street should be used for commercial purposes and recommended development of that portion of the site for residential purposes. In addition I advised the Commission of appropriate urban design guidelines for development of the parcel related to building heights and scale. However, since December the situation has changed in three areas-- transportation, commerce and housing-- and the staff now questions whether at this time it is wise to declare the subject parcel surplus to the City's needs and make it available for private construction.

"Commerce

"With regard to commercial development, as I have stated before, I do not believe it is proper for the City to use its land in major competition with existing future and private retail areas such as the Downtown shopping district, future Fillmore Center in Western Addition A-2 Redevelopment Area, the developing Divisadero Street commercial district and other long established existing commercial districts in the surrounding area. Since December, I have had additional indications that a large commercial development on the subject parcel would constitute major competition for all these commercial districts.

"Residence

"As the staff originally concluded, the site -- when it becomes surplus -- should be developed predominantly for housing with 15 % to 20% of the unit reserved for moderate-income families. During the course of the last three months, a number of organizations and individuals have supported this conclusion. They have favored housing

over commercial development. However, additional time is required to work out the difficulties involved in developing housing at the appropriate density, size and rent levels on this site, if it is found to be surplus to other city needs.

"Transportation

"Finally, and perhaps most importantly, since December various actions have taken place related to the provision of additional public transportation along Geary Boulevard, and into the Richmond District, that now cause me to question whether it is wise to allow private construction on the subject parcel that might preclude future expanded use of the parcel for transit or other public purposes.

- "1) In February of this year BART and the Metropolitan Transit Commission changed the scope of proposed transit extension study for the Northwest San Francisco Transportation Corridor Study Area from solely rail rapid transit to include other modes of transit.
- "2) The recently published study for the Golden Gate Corridor lists as a primary proposal a grade separated bus right-of-way. Marin County has rejected high-capacity rapid transit systems normally associated with rail transit.
- "3) Residents of the Richmond District have informally indicated some possible opposition to high-capacity rapid transit to that area.
- "4) Recent City actions indicate coordination between the Golden Gate Corridor Study and the proposed Northwest San Francisco Transportation Corridor Study, and a joint transit system involving non-rail type equipment may well be possible.

"Thus our earlier belief that any new public transit system in the vicinity of the Geary-Presidio Car Barn and Bus Yard would be a rail system located too far below ground to utilize the subject site may not be right, and, in fact, the expanded use of this site may be a necessity if other modes of transit are developed.

"For these reasons I now believe that the present car barn portion and air rights over the rest of the site should not be considered at this time surplus to future City transportation needs, and that the lease of this area for private development would conflict with that Policy of the Resident Element of the Master Plan that generally states that it should be the policy of the City and County of San Francisco that the first priority applied in determining the future use of under-used public land go to direct public use that would meet either immediate or long-term public needs. Such uses include public utilities and transit.

"Additionally, as has been noted previously, developing the site for private purposes in a manner that would meet criteria established under the Urban Design Element of the Master Plan may not be practical at this time due to probable high costs involved in temporary relocation of Muni operations during the construction phase and the cost of developing the platform required to allow reinstallation of current Muni maintenance and storage activities on the site.

"Zoning: If the Commission authorizes the Director to report that the proposed leasing of the subject parcel (Block 1072, Lot 1) for private development is in conflict with the Master Plan, I recommend that the Director of Property be permitted to withdraw his reclassification application and the subject parcel be retained under a P classification. In any case, there would be no point in the Commission rezoning the property from its present P classification at this time if it should find that the lease of the property is in conflict with the Master Plan."

During the course of the Director's presentation, Commissioner Ritchie returned to the meeting room and reassumed his seat at the Commission Table.

Wallace Wortman, Director of Property for the City and County of San Francisco, stated that he had been informed only that day that the Director of Planning would recommend that the land and air rights not be declared to be surplus; and, since it was intended that the bus yard should continue to operate at ground level on the entire portion of the site north of the south line of Post Street with access from Presidio and Masonic Avenues, he did not completely understand the reasons for the Director's negative recommendation. He stated that he had come to the meeting to rebut points raised by members of the audience during the meeting of December 2, 1971, with regard to the effect of the proposed development on views, its effect on traffic congestion, and its competition with other commercial districts of the City; and he indicated that he would proceed with his presentation if the Commission so desired.

Commissioner Porter, noting that the Director's recommendation had probably come as a surprise to the Public Utilities Commission and the Department of Public Works, as well as to the Director of Property, suggested that it might be desirable to postpone the scheduled hearing in order to give the Departments involved an opportunity to give consideration to the Director's recommendation. Mr. Wortman agreed and indicated that he did not feel that postponement for a short period of time would jeopardize his negotiations with prospective developers.

Commissioner Fleishhacker asked for a clarification of exactly what it was that the Public Utilities Commission had declared surplus. Mr. Wortman replied that the Public Utilities Commission had declared surplus the surface, sub-surface and air rights for the southern portion of the site extending from Geary Boulevard to a depth of 227 feet. With regard to the northern portion of the site, the Public Utilities Commission had declared surplus the air rights above a point 18

feet above the existing curb line; however, easement rights were proposed to allow construction of columns on 50 foot centers to support the decks to be constructed above the bus yards.

Commissioner Fleishhacker asked if construction of the columns would interfere with operation of the bus yards. Mr. Wortman replied in the negative.

Commissioner Fleishhacker then asked if the columns and deck would reduce the number of buses which could be parked on the site. Mr. Wortman replied that the number would not be reduced to any appreciable extent. He also stated that one of the conditions of the bid offered by the City would be that the developers would have to guarantee that construction of the columns would not interfere with operation of the bus yard or significantly reduce the amount of parking space available on the site.

Commissioner Fleishhacker then asked if relocation of any portion of the bus yard to another site was being contemplated. Mr. Wortman replied in the negative.

Commissioner Fleishhacker asked if he were correct in understanding that the proposal for the northern portion of the site was to sell air rights between a height of 18 feet and 40 feet above the existing curb line. Mr. Wortman responded that one of the developers with whom he had been negotiating had declared that his project would require the 40 foot height to be measured from the crest of Masonic Avenue; however, in order to be allowed to build to such a height, the developer would have to obtain conditional use approval from the City Planning Commission.

President Newman, noting that one of the principal reasons for declaring the property surplus seemed to be to provide additional revenue for the City, asked for an estimate of the amount of revenue which could be expected. Mr. Wortman replied that the developer of the site would have to provide 50,000 square feet of office space to accommodate personnel of the Municipal Railway now housed on the subject site. In addition, any commercial development on the property would be required to return to the City a percentage of its gross sales. Furthermore, any bid accepted would have to specify that the City would not assume responsibility for any expenses incurred as a result of construction on the site. In view of these facts, he had made a preliminary estimate of the return to the City from one of the developments proposed and had found that it would provide approximately \$100,000 in annual rent plus a percentage of gross sales plus a new office building.

Commissioner Ritchie assumed that the 50,000 square feet of office space for use by Municipal Railway employees would cost approximately 50 cents per square foot or \$300,000 per year if it were to be rented on the open market. Mr. Wortman confirmed that the office space would cost approximately \$35.00 per square foot to construct or between 40 cents and 50 cents per square foot to rent.

Commissioner Porter remarked that both the Public Utilities Commission and the City Planning Commission could be overruled by the Board of Supervisors on the

question of whether the subject property should be declared surplus. Nevertheless, she felt that the City Planning Department should be more concerned about the zoning of the property than about the Public Utilities Commission's future needs for the site.

The Director stated that all proposals for sale or lease of public property must be submitted to the City Planning Commission for review to determine their conformity to the Master Plan.

Commissioner Mellon stated that he, also, had been surprised at the Director of Planning's analysis of the effect which future transportation policies might have on the subject site. He stated that he has been deeply involved in various transportation studies concerning the Northwest Corridor; and he did not feel that San Francisco's policy should be prejudiced by decisions already reached in Marin County.

Commissioner Finn stated that he had not previously been aware of the recommendation which had been made by the Director of Planning; and he was not convinced that the results of any transportation study of the Northwest Corridor would have any significant impact on the use of the subject site for transportation purposes. In any case, he felt that it might be desirable to postpone the hearing of the subject application to allow further study of the Director of Planning's recommendation.

After further discussion it was moved by Commissioner Finn and seconded by Commissioner Porter that hearing of the subject proposals be postponed for three weeks.

Arthur Connolly, representing the Laurel Heights Improvement Association, remarked that residents of the subject neighborhood had appeared on three separate occasions to oppose rezoning of the subject site; and he did not feel that they should be required to take time off from work to attend yet another hearing on the matter. In his opinion the application had been filed with the Commission prematurely since no specific plan for the site had been accepted; and, under the circumstances, he felt that the application should be withdrawn.

When the question was called, the Commission voted unanimously to continue the subject applications under advisement until the meeting of March 23, 1972.

At 3:45 p.m., President Newman announced a recess to enable the Commission and audience to move to the chambers of the Board of Supervisors. The meeting was reconvened at 3:55 p.m.

ZM71.18 - ALL R-4 AND R-5 PROPERTIES IN THE AREA BOUNDED GENERALLY BY FULTON STREET ON THE NORTH; BAKER STREET, HAIGHT STREET, AND BUENA VISTA AVENUE WEST ON THE EAST; UPPER TERRACE, GRATAN STREET, AND PARNASSUS AVENUE ON THE SOUTH; AND THE MID-POINT BETWEEN ARGUELLO BOULEVARD AND WILLARD STREET, FREDERICK STREET AND STANYAN STREET ON THE WEST.
R-4 AND R-5 TO AN R-3 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject properties. He stated that the area under consideration is comprised of 894 parcels of property having a total area of approximately 72 acres. Out of the total of 894 parcels, 119 (13%) are developed with single family homes; 225 (25%) are developed with duplexes; 275 (31%) are developed within R-3 permitted densities; 86 (10%) within R-3.5 permitted densities; 130 (14%) within R-4 permitted densities; and one parcel within the R-5 density range. In addition, there are 27 vacant parcels (3%) and 32 parcels (4%) with nonresidential development. The nonresidential uses include two major hospital complexes (St. Mary's and Harkness), four churches, two school playgrounds and four gas stations. The applicants had requested that the subject properties be reclassified from R-5 and R-4 to R-3; however, in considering the application, the Planning Commission could also consider reclassification of the subject area, or portions thereof, to an R-4 district or an R-3.5 district. Mr. Steele stated that buildings currently developed to greater residential density than would be permitted if the properties were to be reclassified would become non-complying buildings with respect to the City Planning Code. If non-complying buildings are destroyed by fire or other calamity, they may be rebuilt as presently existing if construction begins within one year of the disaster. Existing professional office buildings now permitted as conditional uses in R-4 and R-5 districts would become non-conforming uses if the area were to be reclassified to R-3 or R-3.5. Alterations which would result in any intensive or expansion of non-conforming use are not permitted and non-conforming uses are generally given a 20-year amortization period.

Mary Mullins, 1049 Stanyan Street, identified herself as one of the applicants. She indicated, however, that a cooperative effort had been made by members of the neighborhood to obtain support for the proposed application. She believed that certain problems being experienced by the Haight-Ashbury District and by the City as a whole are attributable to excessive density; and she indicated that the subject application had been filed to protect the neighborhood against excessive increases in density in the future.

Carl Turner read and submitted the following written statement which had been prepared by Assemblyman Willie L. Brown, Jr.:

"The Legislature has unfortunately scheduled session for 2:00 p.m. today, so I am unable to testify in person. However, I have asked a member of my staff to read to you the following statement regarding rezoning of the Haight-Ashbury:

"The Haight-Ashbury for many years has been a unique neighborhood. It underwent drastic change during the 60's but it survived. It boasts a large number of long-time residents. Unlike many of the city's neighborhoods it is integrated racially, economically, and socially.

"I have more than an ordinary interest in the Haight. It is not only in my district, I also live there. For many years I have been

working with the residents to make the neighborhood a better place to live - starting with the Panhandle Freeway fight. The rezoning proposal is a logical extension of those many efforts.

"Much has been said in the past few years about revitalizing the Haight. What the residents are saying to you today is, 'We want to have some say in the direction that revitalization is going to take.' That is not only their right, it is their obligation.

"I agree with the proponents of this issue that rezoning will probably keep speculators out. It is unreasonable to think that without the R-3 restrictions that new buildings would conform to the unique character of the lovely old Victorians in the neighborhood.

"The Urban Design Plan calls for a 40-foot height limit in the area. Rezoning is needed to codify that limit. The almost complete absence of multi-unit, non-family, plastic apartment houses common to many areas of San Francisco is yet another feature that should be retained.

"The results of hundreds of hours of hard work are before you today. The petition to rezone the Haight-Ashbury demonstrates the wide-spread support of residents in the neighborhood for this effort. It is obvious how the people who live there feel. It is now up to you to ratify their efforts. I strongly urge adoption of the rezoning plan."

Gina Zimmermann read and submitted the following statement from Assemblyman John L. Burton:

"It is my understanding that the Commission has before it a proposal requesting the rezoning of all R-4 and R-5 property in the Haight Ashbury area to R-3. I am writing in support of this proposal and of the Haight Ashbury Neighborhood Council's efforts to realize this plan.

"The R-3 zoning classification seems to be more compatible with this neighborhood for two reasons: First, the R-3 requirements would impose a forty-foot height limit on future building construction, which would be consistent with the already existing structures. Second, the Haight Ashbury area is largely a family residence community, and the R-3 classification would help to maintain this aspect of the community's character.

"Lastly, the alternative R-4 and R-5 classifications would allow for a very high density population and would not impose any height limits. Both of these possibilities are opposed by the area residents with whom I'm in total agreement.

"Again, I hope you will see fit to approve the R-3 classification."

Speaking as a 20-year resident of the Haight-Ashbury District, Mrs. Zimmermann stated that it was her personal opinion that the application for reclassification of properties in the neighborhood to R-3 should be approved.

Byron Bray, President of the Housing Committee of the Haight-Ashbury Neighborhood Council, noted that opponents of the application would have an opportunity to rebut the comments of the proponents before the recommendation of the staff of the Department of City Planning is offered to the City Planning Commission; and he requested that the proponents be given an opportunity to rebut the opponents before the Director's recommendation is made. The Director suggested that the situation might be resolved by reversing the Commission's ordinary proceedings following the recommendation, calling on the opponents to speak first in rebuttal and then allow the proponents an opportunity to in turn rebut the opponents before the matter is submitted to the Commission for action.

Mr. Bray stated that residents of the Haight-Ashbury Neighborhood had participated in the development of the Urban Design Plan; and, as a result, the neighborhood had become united around a number of issues directly affecting the area such as new developments, traffic, and density. Residents of the area were not opposed to any new construction; however, they were opposed to any new construction which would not be in keeping with the character of the neighborhood. Although he was appearing as a spokesman for the Haight-Ashbury Neighborhood Council, he emphasized that support for the subject application had been generated throughout the community and was not limited to the members of his organization. People supporting the application included both young and old, black and white, property owners and tenants, etc.; and, as a result, of their mutual support of the application, they had found that the issues on which they disagree are far less important than those on which they are united. He stated that 1800 citizens of the Haight-Ashbury District were petitioning their government, as represented by the City Planning Commission, to protect their homes, their neighborhood, and their life style by approving the subject application.

Calvin Welch submitted a petition which had been signed by residents of the neighborhood in support of the application. He also displayed and described a map which had been prepared to show the location of properties owned or occupied by people who had signed the petition. He stated that approximately 400 of the subject properties are owner-occupied; and he informed the Commission that 296 (or 74%) of the resident owners had given their support to the applicants. As signatures had been gathered on the petition, it had become apparent that residents of the Haight-Ashbury District are very concerned about density, traffic, the growth of St. Mary's Hospital and the University of California Medical Center, and the possible growth of Harkness Hospital; and he indicated that people who live along the Panhandle were especially concerned about proposals made by the staff of the Department of City Planning for increased density along Fell and Oak Streets.

President Newman called on Alfred Goldberg, Superintendent of the Bureau of Building Inspection, who read and submitted the following prepared statement:

"Without taking a position for or against any possible re-zoning action, I wish to comment about the possibilities of rehabilitation in this area. San Francisco is unique in having substantially sound structures. Even though they may outwardly appear to be vandalized and severely damaged our experience has shown that in FACE areas particularly those of Alamo Square and Duboce Triangle that rehabilitation can be done at a relatively low cost per dwelling unit particularly when contrasted to the cost of new dwelling units. The result therefore is a lesser increase in rents than would result if new construction were needed.

"With a relaxing of the money market making more funds available at low interest rates, the private sector financing can be used for such rehabilitation work. Hopefully the Revenue Sharing Housing bills now in Congress will be passed which will provide the possibility of Federal assistance both inside and outside of designated areas.

"Rehabilitation has been shown to reduce relocation, lessen demolition and have lower rent increases than other programs based upon the first four and the present three FACE areas. As shown in the recent hearings before the Board of Supervisors relative to hotels south of Market area, rehabilitation is economically feasible at a far lower cost than new construction. It is the position of the Department of Public Works and the Bureau of Building Inspection that any and all means for rehabilitating existing structures should be encouraged."

Chick Brady expressed hoped that the Commission would make a "history making" decision on the subject application and support a majority of the residents of the area who wished to have their neighborhood reclassified.

Mr. Bray stated that residents of the subject neighborhood were not particularly afraid of high-rise buildings since the area is subject to a 40-foot height limit; their main concern was with density, particularly with regard to the effect which increased density could have on traffic congestion. He stated that Oak and Fell Streets are the most heavily traveled streets of their type in the United States. In addition, Stanyan Street carries approximately 15,000 cars per day and Parnassus Avenue carries approximately 10,000 cars per day. He stated that R-4 zoning would allow four times as much density as R-3 zoning or, in other words, four times as many dwelling units; and, if the entire neighborhood were to be developed to R-4 standards, he felt that the impact of such development on transit, traffic and street livability would be incalculable.

Ed Dunn, President of the Haight-Ashbury Neighborhood Council, reminded the Commission that the Haight-Ashbury District had survived the threat of a freeway invasion and the invasion of the flower children; and he remarked that the neighborhood would have suffered no greater damage if ten bombs had been dropped on it. Yet, the neighborhood had survived. Even Haight Street itself, which had been an eyesore two years ago with a 37% vacancy rate, is improving. The street now has a vacancy rate of only 20%, and the rate is still declining. He felt that approval of the subject application would be a vital factor in the

neighborhood's rejuvenation process; and he remarked that individuals collecting signatures on petitions for the rezoning had received a terrific response from the residents of the neighborhood. He stated that the rezoning would be consistent with the housing policy which had been adopted by the Haight-Ashbury Neighborhood Council several years ago; and he urged that the application be approved by the Commission.

John McCauley, speaking on behalf of the petitioners, stressed the importance of neighborhood self-determination. He remarked that representatives of the opposite extremes of the political spectrum agree that urban neighborhoods should secede from their cities; and he remarked that no neighborhood in the United States had been more celebrated or more affected by contemporary events than the Haight-Ashbury District. In fact, no other neighborhood could have a more justifiable reason for paranoia. Yet, the residents of the area intended to solve their problems through self-determination without becoming involved in a redevelopment project or accepting government handouts. The proposed reclassification was considered to be an extremely important factor supporting the preservation of the neighborhood; and he hoped it would be approved by the Commission.

Rena McCauley pointed out that the Haight-Ashbury District is rich in architectural treasures, many of which withstood the earthquake and fire of 1906. She also mentioned that some of San Francisco's most notable citizens have lived in the neighborhood. She felt that a massive restoration effort aimed at saving the Victorian buildings in the neighborhood would work wonders; and she felt that such an objective should be pursued.

Mr. Finn, a realtor and a resident of the Haight-Ashbury neighborhood, stated that he was in favor of the proposed rezoning. He noted that many of the buildings in the neighborhood are old; and he felt that R-4 and R-5 zoning provides too much temptation to property owners to "milk" the buildings to the utmost, allowing the neighborhood to turn into a slum until such time as construction of larger apartment buildings is justified. He remarked that the Haight-Ashbury Neighborhood is undergoing a renaissance, with renovations being made by individual property owners. Furthermore, since the Haight-Ashbury District is the only family neighborhood located in the downtown area, he felt that every effort should be made to preserve its present character.

Emory Curtis, Chairman of the People's Action Coalition (PAC) commended the residents of the Haight-Ashbury District for taking the initiative in an effort to control the future development of their neighborhood. He stated that older buildings should be preserved rather than being torn down for new construction; and he noted that banks and private interests are starting to be more interested in financing the rehabilitations.

Rene Cassanevez, program director for the San Francisco Local Development Corp. and a resident of the Upper Ashbury District, felt that the Haight-Ashbury District is characterized by a lack of adequate low-income housing, deterioration of a once habitable district, lack of employment, and a low income-base incapable

of supporting development in the other problem areas mentioned. His organization felt that redevelopment would treat the symptoms of the low income problem and not the problem itself; and, in addition, redevelopment would destroy the aesthetics and the habitability of the potentially attractive residential district, provide an absolute minimum of jobs due to the skilled labor needed for heavy construction, displace many present residents, and disturb the economy of the area. On the other hand, renovation, which would involve less drastic environmental change, would recreate one of the most attractive and habitable of San Francisco's residential districts, would displace very few residents, and would provide, for residents of the neighborhood, many jobs which would require less technical skill than heavy construction.

Sister Margarite, representing Catholic Social Services, stated that her organization has been involved in a program in the Western Addition encouraging low- and middle-income families to renovate their homes. She felt that the same type of program would be meaningful in the Haight-Ashbury neighborhood if the request for rezoning were to be approved.

Tom McCarthy, a carpenter, felt that the proposed rezoning would result in the creation of jobs for the building trades unions and for people who live in the Haight-Ashbury District. He believed that a great deal of property in the neighborhood is being held for more intensive development in the future; and he felt that the proposed rezoning would shift the value of the properties from the land to the existing structures, thus encouraging a substantial amount of rehabilitation of the existing structures and the creation of new jobs which are needed.

Steve Stacy, Secretary of the Church of the Good Earth, stated that many of the people who have come to the Haight-Ashbury District as Hippies had remained in the area and are raising their families there at the present time; and he indicated that many of those who had stayed were honored to join with other citizens to petition the City Planning Commission to grant the requested change of zone to R-3. He felt that the proposed rezoning would revitalize the community and start a new trend in the City.

Reverend Lyle Grosjean of the Episcopal Church stated that he had worked in the Haight-Ashbury District for five years; and, during the course of that time, his ministry had changed considerably. He stated that many people now living in the area had been attracted to the neighborhood because of the diversity of its people, because of certain natural resources and amenities such as Golden Gate Park, and because the neighborhood has a sense of San Francisco familiarity; and he believed that the requested change of zone would preserve and enforce those characteristics. He urged the Commission to "ratify" the wishes of the neighborhood and to approve the subject application.

Mr. Bray advised the Commission that the following organizations had also expressed their support of the subject application: Haight-Ashbury Neighborhood Council, Mt. Olympus Association, Buena Vista Association, Downey Street Association, Edgewood Association, Haight-Ashbury Medical Clinic, St. Mary's Hospital, Community Development Staff of Catholic Social Services, Haight-Ashbury

Neighborhood Development Corp., Tenants' Action Group, Family Health Center of the Haight-Ashbury Children's Center, Ecumenical Ministry in the Haight-Ashbury, All Saints Episcopal Church.

Noah Griffin stated that his family had owned property in the Haight-Ashbury neighborhood for a number of years; and he felt that the character of the neighborhood should be preserved. He urged that the application for reclassification of R-4 and R-5 properties to R-3 be approved.

Richard Gryziec, representing the Land Use Committee of San Francisco Tomorrow, read and submitted the following prepared statement:

"San Francisco Tomorrow draws its membership from across the city. As a citizen's group, we are concerned with the physical environment of the city and its livability for all incomes.

"The urban environmental crisis worsens - this city suffers from the highest air pollution rating in the Bay Area, this city is the prime polluter of San Francisco Bay, there is no long term solution for garbage disposal.

"We full endorse the Haight Ashbury Neighborhood Council's aims of protecting the character and livability of its neighborhood. We urge the Commission to respond to the desires of the residents to maintain the density there now. We urge you to support their efforts to bring stability and greater sensitivity in planning to an area suffering from the gross scale of the U.C. and St. Mary's hospital facilities.

"In your decisions we find a consistent policy of protecting individual investment, of directly or indirectly assuring enhanced land values. However, assuring the wealthy of the opportunity to build higher than their neighbors means loss of sunlight, views, creates traffic hazards and a parking crunch. The lower or middle income resident cannot afford to take advantage of your opportunities for enrichment through highrise building.

"We quote from a recent California legislative study, 'it should be clear that there is no foundation in law to support the popular view which holds that whenever governmental action results in a deprivation of property or a reduction in value there is a taking or damaging for which compensation must be paid.'

"We feel that the City Planning Commission within its obligations to the public can find every good reason to support Haight Ashbury Neighborhood Council's and other's request for a downzoning from R4 and R5 to R3."

In addition to the prepared statement, Mr. Gryziec stated that R-5 and R-4 zoning in the subject neighborhood have made it difficult, if not impossible, for

people of modest means to purchase or improve property. On the other hand, the R-5 and R-4 zoning encourages others to purchase and hold properties for speculative purposes. In the long run, such a trend would result in a shift of character from a family-oriented neighborhood to a neighborhood of apartment dwellers. In order to alter that trend, residents of the neighborhood had requested reclassification of R-5 and R-4 properties to R-3; and he urged that the application be approved by the Commission.

Commissioner Fleishhacker asked Mr. Gryziec if he could substantiate his claim that a large number of properties in the neighborhood had been purchased by speculators.

Mr. Gryziec replied that he had not brought specific figures with him to the meeting; however, he would be willing to gather and submit the information to the Commission.

The Director stated that 486 properties in the subject neighborhood had changed hands during a recent two and one-half year period, giving the neighborhood a turn-over rate of 6% annually.

Commissioner Porter asked Mr. Gryziec if he is a resident of the Haight-Ashbury neighborhood. Mr. Gryziec replied in the negative but indicated that some members of San Francisco Tomorrow do live in the area.

Jewel Punch, 533 Ashbury Street, stated that she had lived in the subject neighborhood for 15 years; and she urged that the rezoning be approved so that the character of the neighborhood could be preserved.

Beatrice A. Levine, co-owner of property located at 212 Clayton Street, stated that her property is presently zoned R-4; and she indicated that she supported approval of the application to rezone R-5 and R-4 properties to R-3. She stated that many changes have occurred in the neighborhood during the past four years. Many of the properties are now owned by absentee landlords and have been allowed to deteriorate. As a result, rents in the area are cheap. She hoped that the neighborhood would be able to stabilize itself and improve; and she felt that it might be an appropriate neighborhood in which to undertake a model cities program.

Owen McDonald, owner of property on Stanyan Street, stated that traffic in the area is extremely congested at the present time; and he believed that future development of properties in the area to their maximum R-4 or R-5 potential would drastically increase traffic and transportation problems in the area. Under the circumstances, he felt that the zoning should be reduced to R-3 so that the present level of density could be retained. He stated that he and his wife had been attracted to the area because of the predominance of Victorian buildings and single-family residences; and he believed that approval of the subject application would help to preserve those attributes.

Charles Starbuck, representing San Francisco Opposition, indicated that his organization supported the subject application, recognizing that it had been filed not so much for the purpose of preventing high-rise buildings but for the purpose of limiting the future density of the area.

Bert Schwartzschild, a resident of Eureka Valley, stated that his neighborhood had come before the Commission on three separate occasions to request less intensive zoning for their area based on arguments similar to those being made by the Haight-Ashbury District. However, their applications had apparently been filed prematurely and had been denied by the Commission. He remarked that amenities and livability do not seem to be characteristics of high-density property and high-rise neighborhoods. He also believed that there may be a correlation between high-rise neighborhoods and crime in the street since sidewalks and street areas in high-rise areas are impersonal in comparison with single-family neighborhoods.

A member of the audience stated that he had chosen to live in San Francisco rather than in Marin County because he likes the diversity of culture offered by the City. Yet, neighborhoods in the cities are experiencing serious problems. He believed that the Haight-Ashbury District is being damaged by speculators; and, if it could solve its problems through the proposed rezoning, he felt that it might set an example for the United States. His own property is presently zoned R-4; and, as a result, the assessor had placed a higher value on the lot than on the house itself. Yet, when he had applied for fire insurance, a valuation of \$50,000 had been placed on the house. He believed that increasing the density of the neighborhood would only multiply such problems.

The Secretary called attention to 27 letters and a petition which had been received in support of the subject application.

Anna M. Guth, representing the Haight-Ashbury Merchants and Improvement Association, read and submitted the following prepared statement:

"The Haight-Ashbury Merchants and Improvement Association is opposed to the change in zoning from R4-5 to R3. If our neighborhood is to continue to improve, it must be permitted to have diversity in people as well as buildings. It is a well known fact that there must be economic mix if a community is to survive. The few buildings (about 12) that are condemned could only be economically replaced with multiple units, and such new construction would be an asset to the neighborhood as well as provide much needed employment and housing.

"If decent housing can be provided for the employees or students of the surrounding institutions and schools, most would be able to walk or take public transportation to work and thus aid the much needed fight against pollution.

Many of the fine Victorian homes are now being used for collective living and inadequate garage facilities leave many cars parked on the street. In fact the chief proponents in the down zoning are working from a grant and are using a former Victorian family home for their offices. These same people were opposed to our application for Federal Assisted Code Enforcement (FACE) funds.

"It seems fantastic that a few individuals can take so much of the Planning Department's time to prepare for such a presentation as today, without first providing proof of support of those property owners that are to be affected.

"Others will speak to other aspects of the downzoning. Thank you for your time."

Theodore Fishcer, 810 Stanyan Street, remarked that San Francisco is not the only city in the United States which is experiencing problems; and he emphasized that it takes time and patience to make improvements and to recover from problems. He informed the Commission that the Haight-Ashbury District has consistently bettered itself and is now on the road to improvement; and he was confident that patience alone, without the change of zone, would be enough to assure success in the neighborhood.

Tom Daley, owner of property on Stanyan Street, stated that he had supported reclassification of properties in the area to R-4 and R-5 in 1960; and he continued to feel that such zoning was appropriate. He stated that most of the residents in the area have no vested interest in the neighborhood and are there only because of the low rents; and he believed that they would like to move to other neighborhoods if they could afford to do so. Individuals who had spoken in support of the application had claimed that the purpose of the rezoning would be to discourage speculation in the neighborhood; but he believed that the rezoning would be similar in its effect to a bank deciding to pay no interest on the deposits which it had already accepted. He stated that most of the buildings are too valuable to be destroyed for new construction unless the lots which they occupy were to be valued at \$80 or \$90 thousand; and he indicated that many of the buildings for sale in the lower Haight-Ashbury District are less than ten years old. He acknowledged that the neighborhood does have problems and that it is difficult to obtain loans or insurance; but he felt that the proper method of dealing with the problems would be infusion of new blood and not "amputation". He urged the Commission to retain the present zoning in the area so that builders and investors would not be discouraged from coming into the area.

Michael McCormick, representing the San Francisco Real Estate Board, stated that his organization generally opposes downgrading of zoning since such reclassifications usually have an adverse effect on property values. However they preferred to defer comment on the subject application until the recommendations of the staff of the Department of City Planning had been made known. He doubted that zoning has any significance for rehabilitation; and he remarked that little investor interest had been shown in the subject neighborhood in recent years.

Gustave Lee, 1936 Page Street, stated that he owns four parcels of property in the neighborhood, two of which are zoned R-4, one R-5, and one C-1. He opposed reclassification of the entire neighborhood to R-3 because such rezoning would limit the potential of the neighborhood, thus making maximum usage of properties in the area impossible; and he did not believe that the rezoning would be in the

best interests of the neighborhood or of the City as a whole. He assured the Commission that he had no intention of speculating in the area or of selling his properties to high-rise developers; and he indicated that he had recently received approval for nine permits to undertake remodeling projects for the improvement of his properties. He believed that the R-4 and R-5 zoning of the area would eventually relieve the area of traffic congestion by providing residences for employees working at the University of California Medical Center and St. Mary's Hospital. Furthermore, he felt that the R-4 and R-5 zoning would encourage investment by outside interests which would be of benefit to the neighborhood. Therefore, he urged that the subject application be disapproved.

Richard Rego, 1166 Haight Street, doubted that reclassification of properties in the subject neighborhood to R-3 would bring about a corresponding reduction of taxes. Furthermore, he disagreed with statements which had been made earlier to the effect that many properties in the area are owned by absentee landlords. He stated that the Haight-Ashbury Merchants and Improvement Association has a mailing list of approximately 325 individuals; and he informed the Commission that more than 50% of those individuals live in the subject neighborhood. He believed that speculators and investors would be more interested in suburbs than in the subject neighborhood; and, in any case, the interim height and bulk controls now in effect would effectively eliminate new development in the area.

Stanley Walsh, representing the owners of property located at 224 Carl Street, stated that he was primarily concerned about the area south of Frederick Street and west of Cole and Shrader Streets which is oriented towards the University of California Medical Center and is isolated from the rest of the area under consideration. He stated that the area with which he was concerned had been zoned R-4 since 1960; and he indicated that the zoning had not resulted in any problems. He stated that apartment houses had been constructed in the area which could not have been built under R-3 or R-3.5 zoning; and the area is definitely in a state of transition. He emphasized, however, that the apartment buildings are not being constructed by absentee landlords; and he stated that they are not experiencing any vacancy problems. He felt that the key to the uniqueness of the area lay in its proximity to the University of California Medical Center; and, since the Medical Center is continually in a state of expansion, he felt that housing should be available nearby for students who wish to live close to the campus. Therefore, he felt that the present zoning for that area should be retained.

Renetta Southcott, 319 Willard Street, called attention to the fact that she had submitted letters to each of the individual Commissioners expressing the reasons for her opposition to the subject application. She felt that everyone was in agreement that the Haight-Ashbury District should be improved; however, she felt that lack of improvement to date had resulted because of two vicious rumors. One of the rumors was that the neighborhood would be taken over by the Redevelopment Agency; and the other rumor was that the neighborhood would be taken over by speculators. She felt that the Haight-Ashbury Merchants and Improvement Association had made substantial progress in disproving those rumors.

The Director stated that the staff of the Department of City Planning had not and would not deal with rumors but with facts and sound city planning principles and policies. He stated that it was his recommendation that the subject application be approved in part and disapproved in part for the following reasons:

- "1. The Residence Element of the Master Plan cites as its first objective to 'Maintain and improve the quality and diversity of San Francisco's residential communities'. Reclassification of parts of the subject area would help assure the maintenance of an existing balanced diversity of buildings, units and occupancy.
- "2. Most of the subject area (which is 97% developed) is predominantly low to medium density, two-to-three-story residential buildings of Victorian character.
- "3. The existing R-4 and R-5 zoning districts would encourage an excessive growth throughout much of the subject area thereby threatening the present character of the neighborhood by permitting greater building size and by introducing higher levels of physical activity. Reclassification of parts of the subject area to R-3 to R-3.5 districts would retain the present medium intensity character while allowing substantial addition of new dwellings in the area.
- "4. Buildings in the subject area are generally of sound construction. The plumbing, electrical, and maintenance deficiencies that do exist could be corrected at a cost substantially below that of new construction.
- "5. Reclassification to zoning districts more in conformity with the density scale and character of the present development would encourage retention, rehabilitation, and ongoing maintenance of existing buildings as well as support compatible new construction where it occurs.
- "6. Housing in the subject area represents a major resource of reasonably priced larger units which are presently in short supply throughout the City. Reclassification of parts of the subject area to R-3 or R-3.5 zoning districts would reaffirm the City's commitment to provide maximum housing choice especially for moderate income families by encouraging retention of existing family units as well as construction of new housing for family occupancy (lower density, larger units, more usable open space).
- "7. Housing in the subject area is occupied to a great extent by large households of moderate means who would have difficulty locating suitable alternate housing at comparable rents. Reclassification of parts of the subject area to R-3 or R-3.5 zoning districts would reduce the potential danger of large scale demolition and consequent relocation.

- "8. Substantial neighborhood support for lower permitted densities has been indicated to the Commission today.
- "9. The size diverse nature, and varying conditions prevailing within different parts of the subject area dictate that the appropriateness of rezoning be considered on the basis of separate sub-areas and in consideration of existing densities and scale of buildings; location of institutions such as St. Mary's Hospital, Harkness Hospital, and the University of California Medical Center; topography; access to major thoroughfares and public open space; and existence of non-conforming uses.

During the course of the presentation, the Director stated that Mr. Duca of the Assessor's office had stated publicly that zoning does not affect the value of properties in the subject neighborhood as much as the location of the properties, the more valuable properties being located in the vicinity of Buena Vista Park and the University of California Medical Center.

The Director then made recommendations concerning the zoning which the staff of the Department of City Planning felt would be appropriate in 15 separate sub-areas of the neighborhood and explained the reasons for his recommendation in each case. The sub-areas were delineated on a map which was on display in the meeting room and which is available in the offices of the Department of City Planning. These specific recommendations for each area were as follows:

"Recommendations for reclassification of the subject area are thus made as follows:

"Sub-Area 1 (now zoned R-5) contains the St. Mary's Hospital complex and a large number of residential buildings; staff recommends reclassification from R-5 to R-4:

- "1. Residential densities above R-4 would be incompatible with the existing character, R-4 densities would allow a maximum of 18 units or a typical 25' x 135' lot.
- "2. Although FAR's would be reduced from 10.0 to 4.8, St. Mary's Hospital could qualify as a P.U.D. and be exempted from this F.A.R. restriction.

"Sub-Area 2 (now zoned R-4) contains a large number of higher density residential buildings as well as medical offices and mixed uses related to St. Mary's Hospital it is recommended the R-4 be retained:

- "1. The residential character of the area is in conformity with R-4 development but would not be with R-3 or R-3.5 standards.

- "2. Reclassification would also result in creating a considerable number of non-conforming or non-complying buildings or uses which would be inappropriate.

"Sub-Area 3 (now zoned R-4) contains 6 low-density parcels adjacent to the existing R-3 District to the north. It is recommended that the 6 parcels be reclassified from R-4 to R-3.

- "1. All parcels are developed in conformance with R-3 standards.
- "2. This area is a reasonable extension of the R-3 area to the north.

"Sub-Area 4 (now zoned R-4) this is the largest portion of the R-4 area to the north of the Panhandle. It is recommended to be reclassified from R-4 to R-3.5:

- "1. It is presently developed predominantly in low to medium residential densities (similar to the R-3 area to the north) conforming in character to R-3 and R-3.5 Districts with a high proportion of families with children.
- "2. As there are a number of residential buildings (eleven) which would become non-complying at R-3 densities but which would be permitted at R-3.5 densities, the R-3.5 District designation is most appropriate.
- "3. The reclassification to R-3.5 would encourage the retention of existing densities, scale and character of the immediate neighborhood and further would encourage compatible new construction as well as rehabilitation and maintenance of the existing housing stock.

"Sub-Area 5 (now zoned R-4) this block is occupied by the Harkness Hospital complex and it is recommended to retain this R-4 classification in order to assure accommodation of the hospital's future growth within the existing block. (As the hospital is surrounded by public streets it would qualify as a PUD).

"Sub-Area 6 (now zoned R-4) this is the largest portion of the presently R-4 zoned land south of the Panhandle. It is recommended that this area be reclassified to R-3.5:

- "1. Present development is generally low to medium density residential use in the character and scale typical of R-3 or R-3.5 areas. As a number of buildings (31) are over R-3 densities but within R-3.5, the R-3.5 classification would appear to be the most appropriate.

"Sub-Area 7 (now R-4) this area, also part of the large R-4 zoned area south of the Panhandle is, however, somewhat different from Sub-Area 6 and it is recommended to be retained in its present R-4 classification:

- "1. This area contains a high concentration of high density residential uses more typical of R-4 Districts in the City rather than the more restrictive R-3 and R-3.5 areas.
- "2. If reclassified to either R-3 or R-3.5, a considerable number of buildings (12) (about 50% of land area) would become non-conforming both as to scale and character as well as with respect to density. The retention of the R-4 District is therefore considered to be appropriate.

"Sub-Area 8 (now zoned R-5) has a similar low to medium density character as the adjacent R-4 areas being recommended for reclassification to R-3.5. For these same reasons, it is therefore recommended to reclassify this area to R-3.5.

"Sub-Area 9 (now zoned R-5) has higher density buildings as well as several residential commercial mixed use buildings. It is recommended this area be reclassified from R-5 to R-4.

- "1. R-5 densities as in all of this rear would be completely out of character with present and desirable future development.
- "2. R-4 zoning would reflect existing pattern.
- "3. Area is adjacent to Golden Gate Park and therefore should be higher than in permitted density.

"Sub-Area 10 (now zoned R-4) as is the case in Sub-Area 9, this area has high density buildings and a large portion of mixed uses reflecting its immediate proximity to Golden Gate Park. It is therefore recommended that the R-4 zoning district be **retained for this area**.

"Sub-Area 11 (now zoned R-4) this is the largest portion of the R-4 area west of Stanyan Street. It is recommended to be reclassified from R-4 to R-3.5.

- "1. Present development is low to medium density residential.
- "2. Although this area is in the vicinity of U.C. Medical Center, densities higher than R-3.5 would not be compatible with the present character.
- "3. The University has indicated a need for family housing and this could be better provided **within** the R-3.5 zoning classification.

"Sub-Area 12 (now zoned R-4) this area is immediately adjacent to the U.C. Medical Center and the existing R-4 District along Parnassus Avenue. It is recommended the present R-4 classification be retained.

- "1. The area is characterized by several large apartment buildings typical of R-4 districts.
- "2. Given the concentration of high density residential use in this area, a reduction in permitted density would appear to be inappropriate.

"Sub-Area 13 (now zoned R-4) this is small area along Carl Street is recommended to be reclassified to R-3:

- "1. Area is adjacent to an existing R-3 District to the west along Carl Street.
- "2. Present development is in competition with the R-3 District standards as most buildings are two-family with one single family dwelling in the area, conforming to adjacent development to the west.

"Sub-Area 14 (now zoned R-4) this is the R-4 area east of Stanyan along Parnassus. It is recommended this area be reclassified to R-3.

- "1. Area is developed predominantly with low-to-medium residential uses characteristic of R-3 Districts in the City.
- "2. The area is bounded almost entirely by existing R-3 districts of similar character and by an R-2 District to the east.
- "3. As a large portion of the present buildings are one and two family dwellings, the reclassification to R-3 would appear to be most appropriate.

"Sub-Area 15 (now R-4) this area is a generally long and narrow strip adjacent to Buena Vista Park. It is recommended that this area be reclassified to R-3.

- "1. This area is characterized by a large proportion of lower density apartments and well maintained single family homes and duplexes.
- "2. The area is bounded on the east by Buena Vista Park and on the west by R-2 and R-3 zoning districts.
- "3. Present development is similar in density, scale and character to adjacent areas and the R-3 District designation would be most appropriate."

Having concluded his recommendation, the Director distributed copies of a draft resolution which he had prepared for consideration by the Commission and recommended its adoption.

Mr. Walsh appreciated the amount of work which had been accomplished by the staff of the Department of City Planning; however, he felt that certain remarks which had been made about Parnassus Heights were not pertinent to the area. He stated that the University of California Medical Center needs housing of all types and not just family housing.

Mr. McCormac stated that students of the Medical Center and other people living on low incomes need smaller dwelling units.

Kamini Gupta, 2237 Chestnut Street, noted that the block bounded by Page, Shrader, Cole, and Haight Streets had been included in sub-area six and was being recommended for reclassification to R-3.5. He felt that such rezoning would constitute a "kick in the pants" for the people who had made an effort to develop the block during most trying times; and he did not believe that such rezoning would be fair. If the type of development considered best for the block by the Commission in 1960 had not been achieved because of outside factors, he did not consider that to be a significant reason for down-grading the zoning of the properties at the present time. In fact, he believed that the down-grading of zoning would only cheapen the properties; and, as a result, they would appear to be attractive to the State the next time that a freeway is proposed through the area. In his opinion, the area adjacent to Golden Gate Park and the Panhandle will continue to be attractive to people who will want to live in high density studio-type apartments; and he felt that the zoning of the properties should take that consideration into account. He suggested that the Commission should take the matter under advisement for further analysis before taking final action on the application.

Mr. Bray stated that he had been authorized by the petitioners to remark that the staff of the Department of City Planning had exercised the "wisdom of Solomon" in formulating its recommendations; and they would be willing to accept those recommendations too. He urged the Commission to adopt the draft resolution which had been recommended by the staff; and he emphasized that the petitioners would be opposed to a continuance of any kind.

President Newman stated that he had been advised that a letter from St. Mary's Hospital had been included in a file of correspondence in opposition to the application by mistake. A representative from the hospital had informed him that the administration of the hospital was generally in support of the application.

Commissioner Porter asked if all of the properties covered by the subject application are presently governed by a 40-foot height limit. The Director replied in the negative, stating that properties adjacent to the southeast corner of Golden Gate Park have a height limit of 50 feet. In addition, property owned by St. Mary's Hospital is governed by 65, 80 and 130-foot height limits which were established to reflect the development pattern which had already been approved by the Commission.

While one of the members of the audience had stated that the University of California Medical Center had a need for all types of housing, he indicated that the staff of the Department of City Planning had been advised by Mr. LaPorte, Campus Planner for the University of California Medical Center, that the primary need is for family housing. The vacancy rate for studio apartments in the area is five times that of the vacancy rate for three and four bedroom apartments. In any case, he noted that the staff had recommended that some R-4 zoning in the immediate vicinity of the University of California Medical Center be retained.

Commission Ritchie read the following prepared statement:

"I would like to state that I am very much in favor of this downward rezoning which is before us today, as specifically amended by our Director, Mr. Jacobs. This neighborhood request has come to us in advance of any pending major disastrous development or redevelopment of this area. Our favorable action today can correct many out-of-date zoning flaws of prior years and give protection for the future. Last year we re-zoned, downward, an area of the Richmond District. I was very much in favor of that, and am strongly in favor of similar action today. I find no "vindictive" or "disciplinary" elements in this request today, directed at anyone or several developers or owners. This action is in good time, in advance of major disasters and I'm in favor of it.

"I therefore make a motion to approve the Director's recommendation."

The motion was seconded by Commissioner Porter.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Resolution No. 6815 and to accept the recommendation of the staff of the Department of City Planning for approval of the application in part and disapproval of the application in part.

At 6:45 p.m., President Newman announced a five minute recess. The Commission reconvened at 6:50 p.m. and proceeded with hearing of the remainder of the agenda.

CU72.6 - 1999 MARKET STREET, SOUTHEAST CORNER OF DOLORES STREET.
REQUEST FOR A LOT FOR OPEN STORAGE AND DISPLAY OF RENTAL
AUTOMOBILES; IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a triangular parcel with 95-foot frontage on Market Street, 100-foot frontage on Clinton Park and 24-foot frontage on Dolores Street for a total area of approximately 3,936 square feet. S & C Motors, Inc., authorized agent for the owner, had requested permission to operate an automobile rental agency on the site. The existing service station building would be used for keeping records of car rentals. No physical change in the property had been proposed.

Mr. Steele stated that the applicant had previously been present in the meeting room but had apparently been required to leave because of the late hour.

Bert Schwartzschild, a member of the audience who indicated that he was interested in the beautification of the subject neighborhood, asked about the applicant's plans for landscaping the property.

Mr. Steele replied that the issue of landscaping would be covered by the Director's recommendation.

No one else was present to speak in favor of or in opposition to the subject application.

Allan B. Jacobs, Director of Planning, recommended that the application be approved subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He summarized the conditions, calling particular attention to conditions No. 2 and No. 3 which read as follows:

- "2. Site plans and landscaping plans with special attention to buffering on perimeters of the property and limiting the number and width of driveways shall be developed in consultation with the Department of City Planning and shall be submitted to the Department for approval within three months of the effective date of this resolution.
- "3. Said landscaping plans shall include street trees on all street frontages. Said landscaping shall be installed within six months of the effective date of this resolution, shall be continuously maintained in a healthy, attractive, condition, and defective, damaged, or lost plants or trees shall be replaced by the applicant whenever necessary."

Mr. Steele stated that he believed that the conditions which had been recommended by the Director would be acceptable to the applicant.

After discussion it was moved by Commissioner Porter, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 6816 and that the application be approved subject to the conditions contained in the draft resolution.

CU72.7 - 301 CASTRO STREET, SOUTHEAST CORNER OF 16TH STREET.
REQUEST FOR PROFESSIONAL OFFICES FOR THE PRACTICE OF MEDICINE
IN AN R-4 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 50-foot frontage on Castro Street and an 87.50-foot frontage on 16th Street for a total area of 4,375 square feet. The property is presently occupied by a two

family dwelling which is currently being rehabilitated. The owner of the property proposed to convert the lower flat to approximately 1400 square feet of medical offices and accessory support facilities. A total of six off-street parking spaces would be provided on the site.

The architect for the applicant stated that he had nothing to add to the comments which had been made by Mr. Steele. However, he hoped that he would be given a chance to speak in rebuttal to the recommendation of the staff, if necessary.

Bert Schwartzschild, President of the Eureka Valley Merchants Association, stated that the subject block is completely residential in character at the present time; and he pointed out that it is located only a couple of blocks from a commercial area where space should be available for a medical office. He felt that approval of the subject application for the proposed use would set a precedent for similar applications in the future; and, therefore, he urged that the application be disapproved.

The Secretary called attention to letters which had been received from Dale H. Champion, 21 Saturn Street, Mrs. Samuel Rodetsky, owner of property located at 328 Castro Street, and from Wes Dawe, President of the Buena Vista Neighborhood Association, in opposition to the subject application.

A gentlemen who was present in the audience stated that he did not wish to speak either in favor of or opposition to the subject application. However, if the application were to be approved, it was essential that a sufficient amount of off-street parking should be provided; and he did not believe that the number of parking spaces proposed by the applicant would be adequate.

Allan B. Jacobs, the Director of Planning, remarked that the proposed medical offices would be the only non-residential use between the Franklin Hospital Medical Center and the Market Street commercial area; and he felt that the expansion of medical-related services into an entirely residential neighborhood might well have a detrimental effect on the community. He stated that no public need had been demonstrated for additional medical facilities in the area; and, should a need exist, sufficient space is available in the commercially zoned portions of the Castro - Market area as well as in the medical offices of the Franklin Hospital. Furthermore, he pointed out that the subject property is located within the Duboce Triangle Federally Assisted Code Enforcement Area, where the primary goal is the improvement of the residential environment. In view of these circumstances, he recommended that the application be disapproved.

The architect stated that he had spoken with three realtors who had advised him that the medical office space being proposed would be in demand by professional people. With regard to the issue of parking, he pointed out that the applicant had proposed to provide a greater number of off-street parking spaces than would be required by the City Planning Code. In addition, the applicant intended to make arrangements so that the parking spaces could be used by residents of the neighborhood when the medical facility is not in use.

Ranwick S. Calderhead, Jr., the applicant, stated that the Victorian building occupying the site was built in 1880 and is now being completely restored; and, in preserving the building, he was interested in utilizing it in the most economic way without turning it into a three-, four-, or five-unit apartment building. He was confident that he could sell the property for a profit; however, he did not wish to become a speculator.

After further discussion, it was moved by Commissioner Fleishhacker, seconded by Commissioner Porter, and carried unanimously that Resolution No. 6817 be adopted and that the subject application be disapproved.

CU72.3 - 1800 FILLMORE STREET, EAST LINE, BETWEEN SUTTER AND BUSH STREETS.
REQUEST FOR A PLANNED UNIT DEVELOPMENT WITH APPROXIMATELY 130
HOUSING UNITS FOR LOW-TO-MODERATE-INCOME ELDERLY PERSONS IN C-2
AND R-3 DISTRICTS.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a rectangular parcel with a 100-foot frontage on Sutter Street, 275-foot frontage on Fillmore Street, and 100-foot frontage on Bush Street for a total area of 27,500 square feet. The San Francisco Redevelopment Agency had filed the subject application requesting permission to construct a 13 story building with approximately 130 elderly housing units predominantly for low- to moderate-income persons assisted under provisions of Section 236 of the National Housing Act. In addition, the building would contain approximately 8,000 square feet of commercial retail facilities fronting on Fillmore and Sutter Streets, approximately 6,000 square feet of office facilities, related support facilities, off-street parking for 72 automobiles, and two freight loading spaces. The building would be 130 feet high as measured from the Fillmore Street frontage. The Bush Street frontage of the site would be developed with two floors of residential use above two parking levels at and below grade with a height of approximately 25 feet above the curb on Bush Street.

Mr. Steele stated that a planned unit development may be exempted from the strict application from all City Planning Code provisions except off-street parking; and he indicated that the development must be at least three acres in area or be a part of a redevelopment project area, as in the present case. The primary modification of the R-3.5 provision proposed by the subject planned unit development would be the proposed 130-foot height instead of the otherwise maximum permitted 40 feet and the density of one dwelling unit for each 210 square feet of site area rather than the maximum otherwise permitted of one unit for each 600 square feet of site area. In addition, the usable open space requirement of the R-3.5 district, 150 square feet per dwelling unit, would not be provided. However, open space would be provided on the site in a quantity sufficient to meet the need generated by the elderly housing. Finally, he stated that a parking variance would have to be considered by the Zoning Administrator since the number of parking spaces proposed is less than the minimum requirement of the City Planning Code.

George Steward, 2111 Bush Street, submitted the following petition which had been signed by a number of property owners on Bush Street and on Cottage Row:

"We the residents of the block bounded by Bush, Fillmore, Sutter and Webster Streets welcome the development of the property facing Fillmore. However, we would like its development to be in keeping with the historic character of the buildings remaining on the block. We feel that a 130 ft. building would detract from the Victorian appearance of the block.

"In addition, we feel that parking for only 75 cars is inadequate, given the number of residential units in the building, and the commercial character of the lower floors. Presently, only three properties on the block have any type of offstreet parking and there is no parking to serve shoppers within safe walking distance of this part of Fillmore. Consequently an already critical parking problem will be worsened by this proposed project. We therefore suggest that the height of the tower be reduced, the development be styled to blend in with the Victorian character of the block, and, if necessary, the development be spread over more of the vacant land on the block."

Mr. Stewart stated that the owners of property in the block and spent a great deal of time and money to restore their Victorian homes; and he advised the Commission that their efforts had been so successful that teachers often bring their students on field trips to view the amenities available in the block. He stated that many of the houses have attractive gardens with trees; and he believed that the tower being proposed would cast shadows on the gardens, as well as being an affront to the eye. To illustrate his point, he distributed a small model which he had prepared showing the relationship which the proposed building would have to other buildings presently existing in the area. He also explained and distributed a shadow chart which he had prepared to illustrate the impact of the proposed building on the neighborhood and compared the situation to the impact which the new Pacific Medical Center building has had on the neighborhood in which it is located. While he recognized that the proposed project had been made possible by an amendment to the official Redevelopment Plan which was approved in August, 1970, he explained to the Commission that he had not understood at that time that the change would result in such an overpowering building. He had always been assured by M. Justin Herman, the late Director of the Redevelopment Agency, that any building constructed on the subject site would have as low a profile as possible and that it would harmonize with the neighborhood. In many respects, it seemed that the Redevelopment Agency had come before the City Planning Commission with a fait accompli; however, he hoped that the Commission would be willing to postpone its decision on the application and to request the developer to alter the scale of the proposed building.

William Rosso, representing the San Francisco Redevelopment Agency, emphasized that the proposed use of the property and the design of the proposed building had been established in the officially adopted Redevelopment Plan which had been the subject of public hearings held before the Redevelopment Agency, the City Planning Commission, and the Board of Supervisors. In addition the proposed project had been reviewed with and approved by WAPAC a citizen group which represents the entire Western Addition and which holds committee meetings once a week and general session once a month.

Commissioner Porter asked if the proposed building would conform with the height and bulk proposals contained in the Urban Design Plan. The Director replied in the affirmative.

Mr. Rosso stated that the Redevelopment Agency would be willing to stipulate that the height and bulk of the proposed building would be consistent with the new height and bulk controls being considered by the Commission.

Allan B. Jacobs, Director of Planning, remarked that the proposed development would conform with the redevelopment plan, as amended. And he believed that the residential density and occupancy of the proposed development would be compatible with existing and anticipated public improvements in the area. He stated that the proposal had been designed in a manner which would produce an environment of stable character, providing off-street parking in an amount sufficient to meet the needs of residents as well as providing considerable open space for those residents. He also indicated that the development is consistent with the provisions of the housing and urban design elements of the Master Plan. Therefore, he recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended adoption of the draft resolution.

Mr. Rosso stated that the conditions recommended by the Director of Planning would be acceptable to the Redevelopment Agency and the developer.

Commissioner Mellon inquired about the amount of open space to be provided on the site. A representative of the developer, referring to a site plan on display in the meeting room, stated that open space would be provided in a central court located above the parking structure.

Commissioner Ritchie remarked that it has been very difficult to preserve Victorian buildings in redevelopment project areas; and he noted that the Victorian buildings on Bush Street and Cottage Row in the subject block are among the finest of the relatively few buildings which still exist in an area which used to be typified by such structures. While the redevelopment plan may have designated the project proposed for the subject site, he doubted that the size of the building and the shadow effects which it would cause had been clearly specified at that time. He believed that the proposed building would greatly harm a very delicately balanced neighborhood where many good Victorians have been lost; and he felt that the Commission should request that the building be redesigned with a greater recognition of the sensitive interests of the subject neighborhood. If the building should be allowed to proceed as proposed, he felt that the result would be further butchery and loss of major good Victorians in the Western Addition.

Mr. Rosso stated that the design of the proposed building had been under study for approximately one and one half years; and he indicated that a conscientious effort had been made to treat the problems of the neighborhood as sympathetically as possible. He noted that the portion of the project fronting on Bush Street had been designed to be in scale with existing buildings on that street.

The tower element of the project would be located at the intersection of Fillmore and Sutter Streets, a major intersection; and the tower itself had been designed to be as slender as possible. The project could be altered only if the number of dwelling units being proposed were to be drastically reduced; yet, since the Redevelopment Agency is committed to provide a specific number of units in the redevelopment project area, the units would have to be provided elsewhere if they were to be deleted from the proposed project. Commissioner Mellon asked if the proposed project had been fully funded. Mr. Rosso replied in the negative, indicating that the developers had wished to receive approval from all local agencies involved before submitting an application to HUD for financing.

Commissioner Mellon stated that he was sympathetic with the concerns which had been expressed by Commissioner Ritchie; however, he believed that the interests of the neighborhood had been taken into consideration while the building was being designed.

President Newman asked if it were essential for the proposed building to rise to a height of 130 feet. Mr. Rosso replied that reduction of height would have resulted in a bulkier building unless a number of the dwelling units had been removed.

Commissioner Porter asked if the staff of the Department of City Planning had been consulted as plans for the proposed project were being prepared. Mr. Rosso replied in the negative but indicated that the plans had been revised to make the building more slender after the plans had been reviewed by the Department of City Planning.

Commissioner Fleishhacker pointed out that the building would still be large even if its height were to be reduced by three floors.

Commissioner Ritchie stated that the conditions which had been recommended by the staff were good; however, he felt that a condition should be added to the draft resolution specifying that the building should be light in color and that street trees should be planted around the site.

Mr. Rosso stated that the Redevelopment Agency takes responsibility on itself to plant street trees in redevelopment project areas; and he felt that the developer would have no objection if the Commission wished to include a condition in its draft resolution requiring that the building be painted a light color.

The Director stated that he would be willing to add a condition to the draft resolution requiring that the surface texture and color of the building be subject to review by the staff of the Department of City Planning.

Mr. Stewart implored the Commission to require that the proposed building be redesigned in the interest of preserving the character of the block.

Commissioner Rueda asked if residents of the community had been involved in preparation of plans for the proposed facility. Mr. Stewart replied in the negative.

A member of the staff of WAPAC stated that members of the community had been involved in planning the proposed facility over a long period of time.

The Director observed that it was apparent that some residents of the neighborhood had been involved in the process and that some had not.

After further discussion it was moved by Commissioner Rueda, seconded by Commissioner Mellon and carried 6-1 that Resolution No. 6818 be adopted and that the application be approved subject to the conditions contained in the draft resolution as modified. Commissioners Finn, Fleishhacker, Mellon, Newman, Porter and Rueda voted "Aye"; Commissioner Ritchie voted "No".

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 9, 1972.

The City Planning Commission met pursuant to notice on Thursday, March 9, 1972, at 1:15 P.M. in the meeting room at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; James J. Finn; Mortimer Fleishhacker, Thomas C. Miller, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None

The Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Samuel Jung, Planner IV; Ruth Jaffe, Planner IV; Ralph Mead, Planner IV (Zoning); Marie Carlberg, Planner III; William Neilson, Planner I; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Tim Sheldon represented the Daily Commercial News.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, informed the Commission that the staff of the Department of City Planning would attend a meeting of the Upper Market Improvement Association that evening to discuss the height and bulk proposals presently under consideration by the Commission.

The Director announced that the Commission's Regular Meeting next Thursday afternoon will be cancelled. The first public hearing on the proposed height and bulk ordinance will be held that evening at Herbert Hoover Junior High School Auditorium, 2290 - 14th Avenue, between Rivera and Santiago Streets at 7:00 p.m.

The Director advised the Commission that he will be in Washington D.C. towards the end of next week to present a paper before a Code Enforcement Conference.

The Director noted that the Commission, during its meeting on February 24, had continued its discretionary review of plans for a 23-unit building proposed for the northwest corner of Parnassus Avenue and Stanyan Street until the present meeting. However, since revised plans had not been submitted in time for adequate staff or neighborhood review, he recommended that the matter be continued under advisement until the meeting of March 23. He assured the Commission that both the applicant and residents of the subject neighborhood had been advised in advance that the staff of the Department of City Planning would recommend further continuance of the matter. After discussion it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried unanimously that the matter be continued under advisement until the meeting of March 23, 1972.

The Director displayed two small acrylic paintings which he had received from Miss Marie Antoinette La Pleux, a member of the public.

R72.3 - ONE YEAR EXTENSION OF REVOCABLE ENCROACHMENT PERMIT FOR SIX PORTABLE CLASSROOMS IN HARRISON STREET BETWEEN ARMY STREET AND PRECITA AVENUE AT LE CONTE SCHOOL.

Allan B. Jacobs, Director of Planning, reported on this matter as follows:

"In 1969 the City Planning Commission considered a revocable encroachment permit for placing six portable classrooms in the right-of-way of Harrison Street next to Le Conte elementary school on a temporary basis (R69.41). The request had arisen because of pressure from neighborhood parents' groups who objected to having their children bussed out of the area. The school was overcrowded then and children had been bussed out to less crowded schools for a number of years.

"The City Planning Commission considered such matters as how long is 'temporary', the traffic situation on Harrison Street and whether a street provides a suitable educational environment. To meet the objections of the Commission, the Superintendent of Schools proposed that the Unified School District acquire land, over a three-year period, directly west of Le Conte school on which to locate the portable classrooms. With this understanding, the Commission found that the revocable permit did not affect the Master Plan, and the Board of Supervisors subsequently approved the permit for three years, provided that 'the Board of Education shall acquire property on which to complete the relocation of classrooms off the street within said three years, and preferably sooner.' The permit will expire in September of this year and the School District has requested a one-year extension.

"The portables are still in use at Le Conte school, which currently has an enrollment of 654 in fourth through sixth grades; 375 of these children are bussed in. (Enrollment in 1969 was 918 in kindergarten through sixth.) For bussing purposes Le Conte is within Zone 4, an area which takes in parts of Forest Hill, West Portal, Miraloma Park, Diamond Heights, Glen Park, Bernal Heights and Hunters Point.

"A spokesman for the School District has said that there is a possibility that the portables might be relocated next year in the yard of a school closed because of structural defects, in Zone 3, which takes in the Mission district and other areas where crowding is the greatest. The property acquisition program at Le Conte school was never initiated because of budget problems, and because other needs are considered greater, it is unlikely that it will be undertaken.

MARCH 9, 1972

"Because of the investment in site work for the portables, it seems reasonable to extend this revocable permit for one year only. However, as the 1975 deadline for enforcement of the Field Act is approaching and the School District may need to use portables in interim solutions to meeting its provisions, it is appropriate to make it clear now that in the future they should be located elsewhere than on the streets. The Commission should authorize the Director to so inform the School District."

Following the presentation, the Director recommended that he be authorized to report that the extension of one year from September 3, 1972 to September 2, 1973, for the revocable encroachment permit be approved as not affecting the Master Plan.

Philip Cali, representing the Board of Education, apologized for having to come before the Commission to request the one year extension. He stated that the six portable classrooms had originally been acquired because the Le Conte School did not have sufficient space to accommodate children living in the neighborhood and because the parents did not wish to have their children bussed to other schools. Since that time, bussing has become required practice; and analysis of school facilities needs is now being made in terms of buzzing zones rather than in terms of neighborhoods. He stated that he would appreciate being given an additional year or two to find a suitable site for relocation of the temporary classrooms within their present bussing zone.

Commissioner Fleishhacker, noting that the Commission had previously been concerned about safety problems which might develop because of the temporary classrooms being located in the street area, asked if barriers had been installed to protect the classrooms from being hit by passing vehicles. Mr. Cali replied in the affirmative and indicated that fencing had also been installed so that the children would not wander into the street when entering or leaving the classrooms.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Fleishhacker, and carried unanimously that the Director be authorized to report that the extension of one year from September 3, 1972, to September 2, 1973, for the revocable encroachment permit granted by the Board of Supervisors Resolution No. 604-69, permitting the placing of six portable classrooms on Harrison Street at Le Conte School, does not affect the Master Plan.

DISCRETIONARY REVIEW OF A BUILDING APPLICATION FOR A 50-UNIT, 193-FOOT HIGH, BUILDING AT THE NORTHEAST CORNER OF GREEN AND JONES STREETS. BUILDING HEIGHT ABOVE 40 FEET CAN BE PERMITTED ONLY IF AUTHORIZED SPECIFICALLY BY THE CITY PLANNING COMMISSION.

Robert Passmore, Planner V - (Zoning), reported on this matter as follows:

"Scheduled for review today under the Planning Commission's discretionary powers is Building Permit Application No. 406992 because the 193-foot high apartment house proposed under the application for the northeast corner of Green and Jones Streets would be within the 40-A-1 Interim Height and Bulk Control District where new buildings are limited in height to 40 feet unless specifically authorized by the Commission for additional height, up to a maximum height of 250 feet.

"The Proposal:

"The subject 50-unit apartment building, which has been proposed by Hecny Transportation, Inc. owner of the subject property, and designed by Merrill Jew, architect, would be on a vacant lot having frontages of 70 feet on Green Street and 90 feet on Jones Street, and an area of 6300 square feet. Above the lobby, to the building, which would front on Green Street, are 16 floors each containing two two-bedroom dwelling units and one one-bedroom unit, and a penthouse floor containing two two-bedroom units. Three levels of off-street parking accommodating 51 cars are placed partially below grade with three points of access from Jones Street which slopes down sharply from Green Street. The rear yard for the dwelling is along the northern property line, and varies in depth between approximately 9 and 36 feet. The bulk of the building is set back four feet from the Green Street property line. The building would extend fully between the east and west property lines. Windows are placed on all elevations of the building, however, a blank wall 49.5 feet long would abut the eastern property line. Portions of the building overhang Jones Street 3 feet. The total length of the proposed building is 80.5 feet along Jones Street, the total width along Green Street is 73 feet and the diagonal plan dimension is 108.5 feet. The building tower covers 76.4 per cent of the lot. The building has a gross floor area of 78750 square feet. The exterior of the building is proposed as a light colored pre-cast concrete surface. Landscaping is proposed as the front setback area and in a roof top garden. The developer has not determined whether the building will be condominium or rental building at this time.

"Zoning

"The R-5 classification of the subject property would permit up to 50 dwelling units as proposed, a maximum floor area ratio of 12.5 to 1 as proposed, and a coverage of 90 per cent as compared to the 76.4 per cent proposed. A minimum of one off street parking space is required for each of the proposed 50 dwelling units; 51 parking spaces are proposed.

"As related above, the Interim Height and Control Crest of Russian Hill 40-A-1 District limits the height of buildings on the subject site to 40 feet, except the City Planning Commission may authorize a building height of up to 250 feet upon specific review. This limited provision for high buildings recognizes the unique character of Russian Hill stated in the Urban Design Element of the Master Plan as 'A harmonious, balanced relationship of low, small-scale older buildings and tall, slender towers. Increasing height of buildings toward the top that emphasizes the hill form and sets Russian Hill apart from other high areas to the south and west.'

"Section 263.4(b) of the interim height and bulk controls adopted on February 17, 1972, states that in acting upon any application for building height over 40 feet in the Crest of Russian Hill 40-A-1 District, the City Planning Commission shall consider the character of the Russian Hill area and the extent to which the proposed height exception might enhance or diminish that character. The following aspects shall be considered:

- "1. Russian Hill is an outstanding and unique area that is a basis for the reputation of San Francisco and a place of residence for many who have been attracted by the delicate balance of the hill's urban environment. Within the larger area of the hill, including the crest, there are smaller areas with outstanding qualities worthy of careful preservation.
- "2. The existing slender towers emphasize the hill form, but their pattern is distinguished by considerable separation, usually with no more than one or two towers per block along the curving crest of the hill. Development of more moderate height is generally limited to 40 feet, with occasional buildings between 40 and 100 feet in height.
- "3. This existing pattern characterizes the area and permits realization of spectacular views and other environmental amenities by residents and visitors. The pattern has reached a balance that could easily be altered if additional major development were to diminish these amenities or exceed the capacity of public services.

"Section 263.4(c) states: In acting upon any application, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

- "1. The proposed development shall not produce an extreme change in the balance between towers and low development on the hill or in any neighborhood on the hill. Adherence to this requirement may limit dwelling unit density and building floor area more strictly than the zoning standards otherwise applicable, especially in the case of large sites. Any restrictions upon future construction on nearby properties, proposed through joint application by other owners with the developer, shall be considered in connection with this requirement.
- "2. The proposed development shall not add appreciably to the traffic load or the demand for parking on nearby streets, or exceed the capacity of transit or other public services on the hill.
- "3. The proposed development shall not cause removal of valuable existing assets on the hill, or dominate the skyline or the surrounding area, or block views in a significant way, or cause undue loss of sunlight or adverse wind effects.
- "4. Building surfaces shall be articulated, with substantial window area on each exposed tower elevation, and with color and texture sympathetic to the area.
- "5. Lower elements of any development shall provide transitions of scale to surrounding buildings, shall have garage structures predominantly below grade at the property lines, and shall have suitable landscaping.
- "6. In keeping with the above criteria, and in addition to them, any allowance of height above the basic limit of 40 feet shall take into account the following factors: the degree to which the proposed building may be more slender than the bulk limits established by Section 270 of this Code; the ratio of the proposed height to the horizontal dimensions of the building; the distances by which the proposed building is set back from property lines, especially at the interior of the lot; and the horizontal distance between the proposed building and other buildings greater than 40 feet in height, as well as the actual height of such other buildings.

"In the 40-A-1 District the maximum plan dimensions are 110 feet in length in contrast to the proposed 80.5 feet, and 125 feet in diagonal dimension in contrast to the proposed 108.5 feet.

"Under applicable provisions for an R-5 district a 20-foot rear yard would be required, thus the proposed building which would have a rear yard of only 9 feet for part of its width would need a variance. An application for such a variance has not yet been filed.

"Existing Development and Zoning in Vicinity:

"The subject site is at the southeastern end of the Crest of Russian Hill R-5 and 40-A-1 zoned districts; one lot removed to the north and east is an R-4, 40-foot interim height district.

"A number of high buildings are in the vicinity. The Summit Apartments containing 110 units, and 297 feet high, with a plan length of 105 feet and diagonal of 137 feet, faces the subject site across Green Street, 86.6 feet from the proposed building. The 1000 Green Street Apartment Building containing 62 units, and 136 feet high, with a plan length of 118 feet and diagonal of 135 feet, faces the subject site across Jones Street, 65.5 feet from the proposed building. A two-story two-unit dwelling abuts the north property line of the subject site, and a two-story one-family dwelling abuts the east property line. Other high buildings in the vicinity include Royal Towers containing 77 units and 308 feet high on the south side of Green Street approximately a block to the east of the subject site; 947 and 945 Green Street, 8 units and 120 feet high, and 12 units and 175 feet high respectively, on the south side of Green Street approximately a half block to the east; and Green Hill Tower and the Bellaire Apartments, 52 units and 222 feet high, and 77 units and 232 feet high respectively on the north and south sides of Green Street approximately a block to the west. The remaining dwellings in the vicinity are low rise and predominantly medium density.

"Green Street is not paved to its full right-of-way width east of Jones Street, and does not connect to Taylor Street to the east. The abutting Jones and Green Streets are not public transit streets, but Union Street a block to the north carries the 41 Union-Howard Coach line.

"Preliminary plans for the subject project were submitted in October 1971, but had to be revised to meet applicable floor-area-ratio limitations. Revised plans were submitted to the Department on February 2, 1972, and are the basis for the building (site) permit application filed on March 6, 1972."

Merrill Jew, architect for the applicant, stated that he is a native San Franciscan who had been chairman of a technical advisory committee which had made recommendations to the City Planning Commission regarding establishment of height limits in Chinatown in 1964; and, in addition, he had recently served as a member of the Urban Design Citizens Advisory Committee. He stated that the subject property had been vacant approximately four years; and, because of its location, he felt that it would be an ideal site for a "point tower". He noted that Green Street dead-ends to the east of the subject property and that Jones Street is

exceptionally steep in the vicinity of the site. As a result, the streets handle only local neighborhood traffic; and he felt that the additional traffic which would be generated by the proposed building could be accommodated on the streets without any trouble. He displayed a cross-section of major buildings located on Green Street and remarked that the building being proposed would be in scale with others which presently exist; and he emphasized that the building would conform with the interim height and bulk proposals now in effect. He also displayed a shadowgram which he had prepared to indicate that the shadows which would be cast by the proposed building would fall within shadows which are cast by other buildings in the area. He stated that the proposed building would in no way dominate the skyline or change the character of the subject neighborhood; and he believed that it would be a happy addition to the area. He stated that his clients intended to work closely with the staff of the Department of City Planning and residents of the subject neighborhood as final plans for the building are prepared. He urged that the application be approved.

During the course of Mr. Jew's presentation, Commissioner Miller arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Porter noted that a number of high-rise buildings are located in the vicinity of the subject site; and she estimated that at least 40% of the occupants of those buildings have at least 2 automobiles. The building which was being proposed would provide only one off-street parking space for each dwelling unit; and she questioned whether that amount of parking would be sufficient to meet the needs of tenants of the building and their guests.

Mr. Jew acknowledged that additional off-street parking spaces would probably be desirable; and he indicated that engineering studies are being made to determine whether it would be feasible to construct another garage level below grade. He stated that he had proposed an additional garage level at grade; however, that proposal had been unacceptable to the staff of the Department of City Planning. In any case, he felt that streets in the area would be able to handle the traffic and parking needs of the proposed building.

Commissioner Ritchie asked about the owner of the subject property. Mr. Jew replied that the property is owned by the Hecny Transportation Company.

Commissioner Ritchie then noted that the proposed building would block the views presently enjoyed from the north side of the Summit Apartments; and he asked if the proposed structure would block views from any other apartment buildings in the area. Mr. Jew stated that the proposed building would block some but not all of the views from the north side of the Summit Apartments; and he indicated that it would not block views from any other apartment buildings presently existing in the area.

No one else was present to speak in favor of the subject application.

Laurence Popofsky, attorney for Massachusetts Mutual Life Insurance Company, owner of the Summit Apartments, remarked that the proposed building was the third major high-rise structure to be proposed recently within a 50-yard radius on Russian Hill; and he failed to understand how that type of intensive development on the crest of a hill could be consistent with the Urban Design Plan or with the interim height and bulk controls presently in effect. He acknowledged that existing development on the hill, when viewed from the north as shown in the cross section which had been displayed by Mr. Jew, might have the appearance of a row of high-rise buildings interspersed with lower buildings; however, from other perspectives, present development looks like a mass of high-rise buildings. He stated that the building being proposed would obliterate the views presently enjoyed from the north side of the Summit Apartments; and, while he felt that it might be "fair game" to build on a "hop-scotch basis" down town, he did not feel that such development in residential neighborhoods would be consistent with the Urban Design Plan which seemed to imply that high-rise buildings should not be constructed in front of each other in such a way as to obliterate views. The Director of Planning had previously stated that only a small number of additional towers could be accommodated on the crest of Russian Hill; yet, within the past few months, four new towers, including the subject building, had been proposed for the area. Establishment of an interim 40-foot height limit for the subject neighborhood seemed to imply that the intention was to limit strictly the construction of new towers in the area; and, if that were the case, he felt that the subject application should be disapproved even if the proposed building were considered to be attractive and in scale with other developments in the area. He noted that one of the criteria to be considered by the Commission in its discretionary review was that "the proposed development shall not produce an extreme change in the balance between towers and low development on the hill or in any neighborhood on the hill". While the proposed building might seem to comply with that requirement while one is looking down-hill, he felt that the opposite would be the case if one were looking up-hill. Another criterion to be considered by the Commission was that the "proposed development shall not add appreciably to the traffic load or the demands for parking on nearby streets, or exceed the capacity of transit or other public services on the hill". He did not feel that one parking space for each dwelling unit would serve the needs of the proposed building; and he did not believe that the steep and dead-end streets in the area should be used to accommodate tenants of the building and their guests. A third set of criteria to be considered by the Commission was that "the proposed development shall not cause removal of valuable existing assets on the hill or dominate the skyline or the surrounding area, or block views in a significant way, or cause undue loss of sunlight or adverse wind effects". It was obvious to him that the proposed building would be in conflict with said criteria since it would block 2/3 of the views now enjoyed in the north side of the Summit Apartments. In conducting its review of the proposal, the Commission should also consider its conformance to policies and principles cited in the Urban Design Plan; and he did not feel that the proposed building, in addition to others which had already been approved within a 50-yard radius of the subject site, could be considered to be in harmony with those policies and principles. He stated that he saw no necessity for constructing a 16-story building on the subject site; and he emphasized that it would be within the discretion of the Commission to limit the height of the building to 40 feet, 60 feet or 80 feet. He noted that no environmental impact study had been made of the proposed building; and he felt that such a study may legally be required to

determine the optimum development which would be acceptable for the site. He hoped that the subject application would be disapproved by the Commission during the present hearing. If the Commission were not so disposed, he hoped that the matter would be taken under advisement since his clients had received only 48 hours notice of the present hearing.

Commissioner Porter asked what type of development the owners of the Summit Apartments would consider optimum for the subject site. Mr. Popofsky replied that he could not answer that question.

Commissioner Porter stated that it was her opinion that many of the problems of the neighborhood, especially parking and traffic, had been caused by the massive Summit Apartment building; and she felt that any new buildings which might be approved for the area should be required to provide sufficient off-street parking space to serve the needs of their tenants.

Commissioner Fleishhacker inquired about the amount of parking available at the Summit Apartment Building. Mr. Popofsky replied that the building provides one off-street parking space for each dwelling unit.

A. S. Glickberg, 947 Green Street, stated that he had lived in the subject neighborhood for 27 years. He reported that it is impossible to park legally on Green Street after 6:00 P.M.; and, since the right-of-way of the street is only approximately 18 feet wide, it is impossible for two cars to pass. Since the neighborhood is already exceedingly crowded, he felt that construction of another major building would bring about an impossible situation. While he realized that no one is entitled to a monopoly on views, he pointed out that the view presently available from Green Street are superb and indicated that he did not wish to have that view disturbed. He stated that he had been advised of the Commission's hearing only one day in advance; and he hoped that the application would be disapproved.

Commissioner Porter asked about the height of the building which Mr. Glickberg lived. Mr. Glickberg replied that the building has a height of 10 or 11 stories with only one family on each floor.

Commissioner Porter then remarked that a 10-story building with only 10 families has considerably less impact on the neighborhood than an 18-story building with 60 families would have.

John Papa, 2516 Pine Street, stated that the subject property had been purchased in probate by a speculator; and, as a result, one of the most gracious houses in San Francisco had been destroyed. Previously, several charming buildings had been removed to make way for the Eichler Apartment Building, thus totally changing the character of the neighborhood. He stated that he was not bothered by the fact that the proposed building would destroy private views from the Eichler Summit Apartments; but he felt that it would be unfortunate if the view presently enjoyed by pedestrians and motorists were to be lost since that view belongs to the people.

He also noted that Macondray Lane, one of the prettiest streets in the world, lies below the subject site; and he believed that the proposed building would deprive gardens on that street from afternoon sun, thus turning Macondray Lane into "Mildew Lane". He stated that very few people had been advised that the subject application would be considered by the Commission; and he felt that the proposal should not be "rushed through".

Marian Kolb, 82 Macondray Lane, stated that her garden receives only one hour of sun each day at the present time because of shadows cast by existing buildings in the area; and she felt that the proposed building would leave her property in complete shadow. She stated that automobiles are parked illegally on Jones Street every night; and she questioned how streets which cannot take care of existing traffic and parking needs could be expected to accommodate the traffic which would be generated by the proposed building.

Nora Quinn, 474 Vallejo Street, advised the Commission that the Telegraph Hill Dwellers were opposed to the proposed building.

Mr. Dean, resident of property located on the southwest corner of Jones and Green Streets for the past 20 years, stated that streets in the area are overcrowded with traffic at the present time; and he believed that construction of the proposed building would turn the neighborhood into a disaster area in terms of traffic and parking congestion even if two or three off-street parking spaces were to be provided for each dwelling unit.

Mrs. Friedman, representing the 1000 Green Company, agreed that the neighborhood could not accommodate the additional traffic and parking needs which would be generated by the proposed building. She also remarked that the building would block views from 24 of the 62 units in her building.

Mr. deLimur, 945 Green Street, stated that he was surprised that construction of a building with a height of 193 feet on the subject site would be permitted by the interim height and bulk controls now in effect. He remarked that the neighborhood is presently characterized by apartment buildings which have only from one to four dwelling units on each floor; and he did not believe that the proposed building, containing several one- and two-bedroom apartments on each floor, would be in harmony with present development in the area.

Margaret Brown, 19B Macondray Lane, felt that the shadowgram which had been displayed by Mr. Jew had misrepresented the effect of the shadows which would be cast by the proposed building since it illustrated the shadow situation at only one instant in time on a given day and did not take into account the movement of the sun in the sky. She did not feel that even two parking spaces for each dwelling unit would be sufficient to satisfy the need which would be generated by the proposed building; and, if the building were to be constructed, she felt that the owners should be required to provide at least 23 parking spaces for residents of the neighborhood to make up for the on-street parking spaces which would be lost to make way for delivery zones, etc.

Mark Sullivan, 945 Green Street, remarked that he, also, had received little advance notice of the Commission's hearing. He stated that it is impossible for traffic to negotiate Green Street east of Jones Street; and, in order to emphasize his point, he advised the Commission that he had taken photographs showing that fire engines could not get within 100 feet of 947 Green Street when a fire occurred in that building three years ago.

Commissioner Ritchie asked Mr. Sullivan if he would provide the Commission with a copy of that photograph.

Peter Hockaday, 1034 Vallejo Street, stated that he had understood that the purpose of the interim height and bulk controls now in effect was to place a strict limitation on any buildings exceeding a height of 40 feet on Russian Hill; and, since the placement of the proposed building would not result in an adequate separation of towers as recommended in the Urban Design Plan, he felt that the application should be disapproved. Furthermore, when the height and bulk ordinance is officially adopted, buildings exceeding a height of 40 feet on Russian Hill will be subject to conditional use approval by the City Planning Commission; and, in considering such applications, it will be necessary for the Commission to determine that the developments being proposed will be necessary and desirable for and compatible with the community. He stated that the present applicant had not made any effort to discuss the proposed development with residents of the subject neighborhood; and, in fact, most of the people concerned have not been advised of the Commission's hearing until the previous evening. He regarded the proposed building as the maximum type of development possible on the subject site; and he did not feel that maximum development should continue to be permitted on every 70 X 90 foot lot on Russian Hill. He urged the Commission to disapprove the subject application.

George Brown, 19B Macondray Lane, felt that the matter should be taken under advisement at the conclusion of the present hearing to afford residents of the neighborhood an opportunity to study the proposal. In fact, he felt that the Commission's decision on the application should be postponed until the proposals contained in the Urban Design Plan have been acted upon. He believed that construction of a high-rise building on the site would create a high-rise jungle instead of serving to accent the hill.

President Newman called attention to several letters which had been received from citizens and organizations in opposition to the subject application.

The Director made the following recommendation to the Commission:

"It is apparent that the neighborhood has not had sufficient time to review this project. In order to provide for the best possible development and protect the irreplaceable asset which Russian Hill provides San Francisco the Urban Design Element of the Master Plan places heavy emphasis upon the process of review and upon the cooperative efforts of developers, the Department staff and neighborhood organizations. Additionally the policies of the Master Plan relate to the problems of traffic in residential areas. Although this matter was scheduled for Com-

mission review because of the proposed building height, problems raised in the testimony presented today concerning traffic are equally, or perhaps even more, important.

"With reference to additional height on the subject site and using as a reference the six criteria outlined under Section 263.4(c) of the Interim Height and Bulk Controls adopted on February 17, 1972 by the City Planning Commission, I would make the following observations:

- "1. Because of the juxta position of the Summit Apartments and 1000 Green Street to the subject site a slender tower as proposed, 193 feet high, will not produce an extreme change in the balance between towers and low development on the hill.
- "2. The interim controls state that the proposed development shall not add appreciably to the traffic load and demand for parking on nearby streets. Additional study must be of the actual traffic impact of this building on Jones and Green Streets; and certainly a better than 1 to 1 parking ratio shall be provided. For other recently proposed apartment development on Russian Hill, staff has recommended that 1.4 to 2.0 parking spaces per dwelling unit be provided. It should be noted that the three proposed driveways will eliminate a number of existing parking spaces.
- "3. The proposed building will not dominate the skyline, block public views in a significant way or cause undue loss of sunlight because of the existence of other high towers in this vicinity. Obviously some private views will be reduced.
- "4. The interim controls require that building surfaces shall be articulated with substantial window area. To a great extent this has been done, but the expanse of bare wall along the east property line, adjacent to an existing low building which is likely to remain for a long time, is objectionable and additional windows or appropriate architectural treatment should be provided. Additionally the extent of the building overhang over Jones Street is excessive and the plans should be modified to lessen the amount of overhang. Separated bays projecting over the City right-of-way would be acceptable.
- "5. The interim controls require that lower elements of any development shall provide a transition of scale to surrounding buildings, shall have garage structures predominantly below grade at property lines, and shall have suitable landscaping. The plans would have to be modified to lower the garage structure along the north property line, street trees on both street frontages would have to be provided and additional substantial sized landscaping must be provided on the site.

- "6. The plan length of 80.5 feet and diagonal dimension of 108.5 feet including the proposed building projection at the pent-house level are significantly less than the permitted 110 feet and 125 feet.

"Frankly the distance between the proposed tower and the 297 foot high Summit Apartments and the 166 foot high 1000 Green Street Apartments is not great enough to generally meet the concept of a point tower; however, in this particular situation providing a greater setback from these two towers by acquiring the adjacent low-rise dwelling could result in the removal of existing units and might place undesirable pressure on the existing dwellings on Green Street and Macondry Lane to the north which are now subject to a 40-foot height limit.

"To allow the architect to consider and respond to what has been said today and to allow review of the present plan or modified plans by the neighborhood and other interested persons, I recommend that this matter be continued to March 23, 1972. (Alternate date April 20, 1972)."

Commissioner Porter felt that residents of the neighborhood would not have sufficient time to study the proposal if it were returned to the Commission's agenda on March 23. Therefore, she moved that the matter be taken under advisement until the meeting of April 20. The motion was seconded by Commissioner Finn.

When the question was called, the Commission voted unanimously to take the subject application under advisement until the meeting of April 20, 1972.

DISCRETIONARY REVIEW OF BUILDING APPLICATION NO. 403184 FOR HOWARD JOHNSON HOTEL AT THE SOUTHWEST CORNER OF VAN NESS AVENUE AND MARKET STREET.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"This building application is being reviewed pursuant to Planning Commission Resolution No. 6111, adopted in June 1967, which calls for discretionary review of all building projects along Market Street.

"The applicant is Howard Johnson's and National Inns, owners of the subject site, and the architect is Robert Batchelor. The site is triangular in shape, 51,180 square feet in area, and has frontages of approximately 230 feet on Market Street, 425 feet on South Van Ness, and 380 feet on 12th Street.

"The application is for the first phase of a hotel. This phase would have a total of 516 hotel rooms on 12 floors over a ground level and mezzanine that would contain the hotel lobby, entered from South Van Ness, hotel service areas, and two restaurants facing Market Street. The building height of the first phase would be a maximum of 150 feet.

The building would have a plan length of approximately 226 feet and a plan dimension of approximately 240 feet. The basic planes of the building walls fluctuate at an angle to Market and 12th Streets, and in a parallel manner to South Van Ness forming small plazas or building setbacks along all street frontages of the site. Additionally wall surfaces fluctuate at various floor levels through the use of projecting bays, balconies, and roof decks. The exterior building surface had not been finally determined at this date.

"Approximately 240 individually accessible parking spaces would be provided below grade in a two level garage which would occupy the entire site and portions of the adjacent subsidewalk areas. Access to the garage would be from South Van Ness Avenue and 12th Street. Off-street loading would be provided at ground level off of 12th Street. The plans contemplate a sidewalk narrowing along South Van Ness Avenue to accommodate taxi and other passenger loading activities. A limited amount of space for such activities is also provided on the site. The existing South Van Ness Avenue sidewalk width in front of the subject site is 22 feet.

"The second phase of the hotel, having no definite construction date, would be a 26 floor, approximately 312 foot high tower at the southern end of the site accommodating an undetermined number of rooms. The plan length of this tower is contemplated as approximately 155 feet, and the diagonal plan dimension is contemplated at approximately 170 feet. Additional building height might be sought if the floor-area-ratio and other applicable Code provisions at the time of construction would permit such additional height.

"The gross floor area proposed, in the first phase is approximately 279,564 square feet resulting in a floor-area-ratio of 5.46 to 1. Addition of the contemplated second phase tower would raise the ratio to 10.03 to 1.

"ZONING: The subject site is zoned C-3-G and within the 400-1 district under the Interim Height and Bulk Controls. A hotel is a principle permitted use in the C-3-G district, and the floor-area-ratio applicable to that district is 10 to 1 plus development bonuses.

"No off-street parking is required in the C-3-G district. Sections 116.2 and 143 of the Planning Code require conditional use approval of a garage which exceeds in area seven percent of the gross floor area of a building in a C-3-G district, as is the case in the subject proposal, where the parking area represents approximately 25 percent of the total building area of the first phase of construction. In other than the C-3 districts a hotel is required a minimum of one off-street parking space for each eight hotel rooms, and a motel is required one parking space for each motel room. No parking would be added in the presently contemplated second phase of construction. A conditional use application for the proposed parking garage has not yet been filed.

"Two off-street loading spaces are required for a hotel having the gross floor area proposed in the first phase of construction.

"Both the first and second phases of the proposed hotel meet the provisions of the interim 400-I Height and Bulk District, which permits buildings up to 400 feet high, and requires that where buildings exceed a height of 150 feet that the maximum plan dimensions for length be 170 feet and diagonal dimension be 200 feet.

"NEARBY DEVELOPMENT: Development in the vicinity is primarily retail, service, and office type commercial uses. The Bank of America Service Center on the southeast corner of Market Street and South Van Ness Avenue is the tallest existing building in the vicinity at a height of 120 feet. This building has been designed for additional height. An office building addition for the California State Automobile Association 399 feet high has been approved for the northeast corner of Van Ness Avenue and Fell Street. The Fox Plaza is 326 feet high.

"The BARTD tunnel runs under a portion of the subject site, and an entrance to the underground muni lines will be provided in the sidewalk area on Market Street adjacent to the subject site.

"The intersection of Market Street and Van Ness Avenue creates a very wide open space due to the width of these streets, and the intersection of South Van Ness Avenue, Mission Street and 12th Street also create a large open space that is not presently well defined due to the low height and generally open nature of existing private development at that intersection.

"STAFF CONTACTS WITH DEVELOPER: The present plans are extensive revisions of plans originally filed with the subject permit application, and were developed in consultation with staff, which recommended that a building on this site should define the street intersections, and provide pedestrian amenities at the sidewalk level. Staff also called attention to the need to coordinate plans with the Market Street Task Force and with the Market Street Development Corporation. It was pointed out that it is particularly important to provide sidewalk area around the adjacent entrance to the underground Muni station because the Market Street sidewalk width at this point is quite narrow."

Robert Batchelor, architect for the applicant, emphasized that approval was being sought only for the first phase of the project at the present time. If a decision is made in 10 or 15 years to proceed with the second phase of the project, the additional construction would have to be in conformity with the laws which will be in existence at that time. He stated that he had been working on plans for the development for more than two years; and, to the best of his knowledge, the plans were in conformance with the Building Code, the City Planning Code, and the Urban Design Plan. He stated that a number of meetings had been held with the Market

Street Task Force to discuss the proposed project. The building would be light in color; and primary automobile access to the site would be from 12th Street rather than from Van Ness Avenue.

President Newman asked if Mr. Batchelor's clients were aware of the fact that San Francisco is apparently overbuilt in terms of hotel space at the present time. Mr. Batchelor replied in the affirmative. He indicated that his clients represent a national chain which has been highly successful; and, when they had expressed no hesitation about proceeding with the proposed development in San Francisco, he had assumed that they knew what they were doing.

Commissioner Ritchie asked how the southern portion of the site would be used until such time as the 26 floor tower is constructed. Mr. Batchelor replied that the triangular shaped parcel would either be landscaped or used for open parking.

Commissioner Ritchie felt that landscaping would be preferable and requested the staff of the Department of City Planning to keep that fact in mind as details of the final plans are completed.

President Newman asked if he were correct in assuming that completion of the second phase of the construction project would make the proposed facility one of the largest hotels in San Francisco. Mr. Batchelor replied that he had included the proposed tower in his sketch of the project only to indicate what type of development would be possible on the site under present planning code provisions. The tower had not been specifically ear-marked for hotel use and might, in fact, be an office building or an apartment building.

Commissioner Finn, noting that the rendering of the proposed project indicated that the sidewalk on Van Ness Avenue would be narrowed to provide automobile access to the site, asked if the situation which would result would interfere with the Municipal Railway's bus stop at the corner. Mr. Batchelor replied that the sidewalk narrowing would be limited to the area beyond the present bus stop. If it seemed that problems might develop, the proposed traffic lane could be abandoned.

Mr. Passmore stated that the issue of the sidewalk narrowing would have to come before the Commission in the form of a referral at a later date.

No one else was present in the audience to speak in favor of or in opposition to the subject application.

The Director recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

In response to an inquiry from President Newman, Mr. Batchelor stated that he assumed that the conditions which had been recommended by the Director of Planning would be acceptable to his clients.

After further discussion it was moved by Commissioner Porter, seconded by Commissioner Ritchie and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6819 and that the application be approved subject to the conditions contained in the draft resolution.

Commissioner Miller introduced Bryant Hall, formerly Assistant Director of Planning for the San Francisco Department of City Planning, who was present in the audience.

At 3:00 p.m. President Newman announced that the meeting was recessed. Members of the Commission then proceeded to Room 282, City Hall, and reconvened at 3:10 p.m. for hearing of the remainder of the agenda.

CONSIDERATION OF PROPOSAL TO ESTABLISH A JACKSON SQUARE HISTORIC DISTRICT.

After opening remarks by President Newman, Allan B. Jacobs, Director of Planning, noted that the staff of the Department of City Planning had presented its Jackson Square report to a joint meeting of the Landmarks Board and the City Planning Commission in June, 1971. Subsequently, the Landmarks Preservation Advisory Board had held a number of public meetings to consider the proposals and had transmitted its recommendations for amendment of the City Planning Code to the City Planning Commission.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), summarized the text of the proposed historic district ordinance for Jackson Square, outlined the boundaries of the district being proposed, and commented on the architectural characteristics of the buildings included in the proposed boundaries. He also summarized a memorandum dated December 1, 1971, in which the staff of the Department of City Planning had evaluated the public comments which the Landmarks Preservation Advisory Board had received on the Jackson Square Report.

Commissioner Fleishhacker asked for a clarification of the amount of time which demolition or alteration permits might be held by the City Planning Commission under the proposed ordinance. Mr. Steele replied that applications for demolition or alteration permits affecting buildings which have been designated as Landmarks could continue to be held by the City Planning Commission for a maximum period of six months and by the Board of Supervisors for an additional six months. Applications pertaining to buildings located within the historic district which have not been designated as Landmarks could be held by the City Planning Commission for a period of up to six months but would have to be issued at the expiration at that time. Such applications would not be subject to any further delay by the Board of Supervisors.

Commissioner Porter asked if the proposed ordinance would provide that any buildings within the district which might be razed must be replaced with buildings which must be architecturally compatible with other buildings in the district. Mr. Steele replied in the affirmative, stating that incompatible buildings would have to be replaced by buildings which would be compatible with the character of the area.

President Newman asked if the City Planning Commission would have absolute discretion with regard to the compatibility of buildings which might be proposed or if the Commission's decision could be appealed. Mr. Steele replied that the Commission's decision could be appealed to the Board of Supervisors.

Commissioner Rueda asked if "compatibility" would be judged in terms of size or design. The Director replied that both factors would have to be considered; and he indicated that those, as well as other factors, were spelled out in greater detail in the proposed ordinance. He stated that he had prepared a draft resolution for consideration by the Commission which contained the following resolves:

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby fully endorse and adopt as policy the analysis, conclusions and recommendations of the Jackson Square Report; and

"BE IT FURTHER RESOLVED, That the proposal to designate the JACKSON SQUARE HISTORIC DISTRICT as a historic district pursuant to Article 10 of the City Planning Code is hereby APPROVED; the location and boundaries of the historic district being as shown in the Jackson Square Report dated June 1971; and

"BE IT FURTHER RESOLVED, That in implementation of the foregoing, and as required by the public necessity, convenience and general welfare, this Commission approves and recommends adoption of the following ordinance documents dated February 2, 1972 and revised February 25, 1972 with additional modifications made on this date, which documents are on file in the Department of City Planning under Dockets No. LM72.1(HD) and ZT72.1:

- "1. Proposed Historic District Ordinance for Jackson Square,
- "2. Proposed Amendments to Article 10 of the City Planning Code (Landmarks),
- "3. Proposed Amendments to Article 6 of the City Planning Code (Signs); and

"BE IT FURTHER RESOLVED, That the Commission hereby recognizes and wholeheartedly commends the private efforts over the last two decades to restore and to maintain the Jackson Square area; and the Commission encourages owners and tenants in the Jackson Square Historic District to participate in the continued preservation and enhancement of the District, both individually and collectively, in accordance with the intent and purpose of Article 10 of the City Planning Code; and

"BE IT FURTHER RESOLVED, That the Commission directs its Secretary to transmit the Jackson Square Report, an account of the Landmarks Board proceedings, the proposed legislation, and this Resolution to the Board of Supervisors for appropriate action."

Don Stover, President of the Landmarks Preservation Advisory Board, showed a series of photographic slides which he had taken within the proposed historic district, emphasizing that the area is characterized by a strong sense of continuity, which, in the opinion of the Landmarks Preservation Advisory Board, justified designation of the area as an Historic District. He also noted that there are some vacant parcels of property in the area; and he felt that it was important that the ordinance establishing the historic district be adopted to prevent those properties from being developed in a way which might destroy the continuity of the area. At the conclusion of his presentation he urged that the ordinance be adopted by the City Planning Commission.

Robert B. Ingram read and submitted a letter from Melvin M. Belli, 722 Montgomery Street, which read as follows:

"I am enthusiastically in favor of the Jackson Square area being designated an historic district. Several years ago, my buildings, 722 and 728 Montgomery Street were so designated at my request.

"I feel this is in the best interest of our great City and that historical monuments should be preserved and their preservation not left solely to the vagaries of economic and special interests, not having history and beauty as their criteria."

John Papa, 916 Kearny Street, stated that he could understand why some property owners might object to having some of their rights taken away by the proposed ordinance; however, as a result of his own experience, he was confident that they would make more money in the end if they would look to the future and not oppose the Jackson Square Historical District. He remarked that the Playboy Club and the Transamerica Building are typical examples of the type of development which would occur in the area in the future if the ordinance is not adopted; and he felt that quality and character of the area should be preserved. If the proposed ordinance were to be modified in any way, he felt that the boundaries of the district should be expanded.

Mrs. James Wiley, 1132 Union Street, represented San Francisco Beautiful. She stated that the Jackson Square Area is worthy of all of the protection which the City can give to it. She regarded the area as an oasis of beauty and charm sandwiched between the vulgarities of Broadway and the Transamerica Building; and she felt that the City should cease from recklessly destroying its own amenities. She urged the Commission to adopt the proposed ordinance immediately so that the area would not be subject to any further intrusions such as the Playboy Club.

Walter Sondheimer, representing the Northern California Chapter of the Institute of Architects, stated that his organization fully supported the proposed legislation.

John Jacobs, Executive Director of the San Francisco Planning and Urban Renewal Association, stated that the Board of Directors of his organization had acted some time ago to adopt a resolution declaring its support for the preservation of Jackson Square. He believed that the City must achieve a balance; and to do so, it must preserve certain elements which have a pedestrian scale. When the Downtown Zoning Ordinance was being considered in 1968, his organization had understood that the Portsmouth Corridor was to become a transition area between downtown and Jackson Square; yet, since that time, many things had happened to change the character of that area, including the construction of the Transamerica Building. As a result, he believed that pressures on the sensitive Jackson Square area would increase. He urged that the proposed ordinance be adopted immediately; however, after adoption of the ordinance, he hoped that the Commission would request the Department of City Planning to explore the desirability of extending the boundaries of the area to Front Street. He stated that his organization had previously recommended that the boundaries be extended to Front Street; and he continued to feel that such a modification would be desirable even though the revised boundaries would include Sansome Street, with its heavy traffic, in the area. In conclusion, he remarked that it was somewhat unusual to attend a meeting of the City Planning Commission where most of the members of a large audience were in support of a proposal under consideration.

Irwin Williams, representing John S. Bolles, owner of 14 Gold Street, stated that Mr. Bolles had long supported the idea of a historic district and that he was in favor of the proposed legislation.

J. S. Holliday, Director of the California Historical Society, read and submitted the following prepared statement:

"As the representative of the Officers, Trustees, and members of the California Historical Society, it is my privilege to appear before you to express our support of the proposed Jackson Square Historic District.

"Jackson Square, the only important part of old downtown San Francisco spared by the 1906 fire, is, as it stands, a remarkable monument to enlightened historical redevelopment by private owners. Jackson Street, between Montgomery and Sansome, alone represents the highest standards of Western commercial architecture of the period. It is, then fitting that both an architectural treasure and a private redevelopment triumph be officially recognized for what it is--an integral part of a great city's heritage that has been placed in our trust.

"Included in this proposed modest historic district are no less than sixteen individual buildings that already have been designated Historic Landmarks. However, even more important than the preservation of these 16 buildings is the preservation of their historic context. This relatively small area is nearly uniform in architecture and history, and as such is the only important commercial area in San Francisco that in itself comprises an historic unit. Thoughtful private development has brought new prosperity to a formerly depressed area, and has served to revitalize a tangible link with our city's colorful past.

"Therefore, the California Historical Society firmly believes that historic zoning of the Jackson Square Area will prove to be in the best interests of the city, of its people, of property owners who have already engaged in historic restoration, and of those who will contribute to the growth of the area.

"We urge you to join us in meeting our obligation to preserve the presence of our past--we urge you to recognize by your action today the historic importance of the Jackson Square Area."

Toby Bloxman observed that it is sometimes necessary to come from somewhere else to really see and appreciate a city; and she remarked that Americans have a nasty habit of appreciating history only after they have knocked it down, as illustrated by a situation which she had witnessed in Georgia in which plans were being made for reconstruction, as a tourist attraction, of an old building which had already been demolished. She stated that no place else in California, including Columbia, has as many buildings representative of the Gold Rush Era as Jackson Square; and, unlike Columbia, which is a museum, Jackson Square is a living thing of enormous value. She felt that it would be a terrible mistake to allow the area to be lost.

John Frisbee, representing the National Trust for Historic Preservation, read and submitted the following prepared statement:

"It is our privilege to appear before you today in support of the proposed Jackson Square Historic District. The area proposed for designation is an irreplaceable San Francisco asset. It is a significant visual and historical link between the city's past and present.

"At the National Trust, we feel that the protection of significant districts and groups of structures is a sound approach to historic preservation. These districts should not be static, but should continue to service communities in vital, functional ways. But they should be afforded appropriate protections to assure that they will remain a part of the urban environment for present and future generations to use and enjoy.

"Today, there are more than 150 historic districts in the country. Many are substantially larger and more complex than Jackson Square in their makeup. They may often cut across socio-economic strata and they often include within their confines structures used for a variety of purposes. For example, the Brooklyn Heights Historic District in New York City includes some 1300 structures in 50 blocks. Santa Fe's district encompasses about one-fourth of the corporate limits. Pioneer Square in Seattle, a commercial district, includes more than 16 blocks. None have proven unmanageable for their review boards.

"Nor has the fact that most districts include great architectural diversity been a problem. Districts of a single style are the exception to the rule. Georgetown in Washington, D.C., includes shops and residences dating from the 1760's to the present. Its architectural styles include Georgian, Federal, Classical Revival, various Victorian and contemporary styles. Beacon Hill in Boston also has stylistic variety as do historic environments in Savannah, Georgia; New York City; and Providence, Rhode Island. We feel architectural diversity can lend aesthetic vitality to such a district provided there is a basic commonality of scale, height, bulk, materials and the like. It is our opinion that these basic criteria are met in general in the proposed Jackson Square Historic District.

"The design controls proposed for Jackson Square appear reasonable to us. In fact, they are more limited than in a number of other cities. In Santa Fe, it is required that new construction conform stylistically to the historic architecture. Jackson Square has no such requirement and we find that admirable. Some ordinances, such as in Annapolis, Maryland, can deny demolition without approval by the Board of Review. In Jackson Square, only delay is allowed. Some ordinances prohibit certain uses for properties within historic districts, such as the Salem, Massachusetts ordinance. The Jackson Square ordinance specifies no such prohibition.

"Because they are reasonable controls, they may well serve to stimulate Jackson Square development. The only restraint on new construction and remodeling of existing buildings is that they respect and harmonize with the essential character of the historic environment. That new construction be a positive element on the landscape is a matter of good urban planning and design, historic district or not. Any new structure ought to reflect a sensitive relationship to its environment.

"Economically, there is evidence that historic preservation can be a plus factor to the community. The degree varies from situation to situation. But it is often the case that historic district development has stimulated real property values, sales and occupancy rates. In Richmond, Virginia, an ordinance was passed in 1957. Between 1958 and 1963, the protective legislation generated new rehabilitation of properties and a 136 per cent increase in the assessed value of land and improvements. Even on adjacent blocks where no rehabilitation took place there was substantial rise in real property values. A parallel example is in Santa Barbara, California. In a three-year period after establishment of El Pueblo Viejo, increases in real property value varied from 75 to 150 percent. A business address within the district became a prestigious one because a future quality environment was assured. Business in Pioneer Square in Seattle is in a period of resurgence due to historic area development. Four years ago, the Grand Central Hotel in Pioneer Square sold for \$90,000. In 1970, the year an historic district ordinance was established, it was sold for \$155,000. Last summer

the building was again sold, this time for \$270,000. Prior to last summer, no improvements had been made on the property. The hotel is now being renovated and first floor shop spaces have already been rented. Upper floors will be utilized as office space. Walking through historic districts in Santa Fe and Alexandria, Virginia, one finds few buildings vacant. Whether such developments will be stimulated by creating a Jackson Square Historic District is conjectural. But no one has demonstrated that designation will not stimulate further development.

"We realize, of course, that only a small portion of the Jackson Square structures have been individually designated as landmarks. Those are confined to a limited portion of the district. There are many historic districts which may include few or no singularly outstanding structures. The historic district is intended to protect a larger area, the tout ensemble. The reason for the historic district is that its sum is greater than any of its parts. There will always be some structures more important than others, but their value is enhanced by the assurance that they will remain in an appropriate environmental context by creation of the district. There are background elements to Jackson Square which, taken one by one, might be difficult to retain in many cases. As a group their preservation becomes desirable.

"We are hopeful that the proposed district will be established. It will assure a reasonable opportunity for the preservation of landmark and background structures - the historic environment. It will help to assure that new construction will be a statement of its own time, but respectful of its urban setting. Thank you."

Albert Meakin complimented the staff of the Department of City Planning on its careful and thorough study of the proposal to designate Jackson Square as a historic district. However, he felt that two changes in the proposal would be desirable. The first change would be to extend the boundaries of the district to Front Street. He did not feel that the traffic carried on Sansome Street would be detrimental to the district; and, by extending the boundaries of the district, additional landmarks would be preserved and the district would be better protected against pressures for new construction. Secondly, he felt that the ordinance should be amended to provide more precise controls and limitations for garages and parking facilities in the area, especially since the Transamerica Building, upon completion, will cause terrific traffic and parking problems in the area. He remarked that some property owners seem to feel that they have a divine right to do exactly as they please with their properties; but he pointed out that the value of those properties derives from the community. Without the special character and quality of Jackson Square, the properties would have no more value than if they were located in Chico.

John B. Harman, representing the Telegraph Hill Dwellers, endorsed the comments which had been made by previous speakers. He stated that he had never seen a better example of fine staff work and analysis than that which had been presented to the Commission in the present case; and he felt that each of the conclusions

which had been reached by the staff was proper. He remarked that some individuals had pressured the staff to recommend two different types of designation, one of which would have pertained to the core area which is dominated by buildings which have already been designated as landmarks and the second of which would have pertained to the rest of the area; and he felt that recommendation of such an approach by the staff would have been a fatal error. He assumed that there would still be a request from property owners that their properties be excluded from the boundaries of the historic district; and he observed that it is natural for people to question why a property should be located on one side or another of a line when boundaries are established. Yet, if the district is to be established, boundaries must be delineated. He felt that one of the most serious problems to be faced would be that of vacant lots since the way in which the vacant lots are developed will be of great importance to the district; and, while the proposed ordinance specified that new developments must be "compatible" with existing buildings, he noted that "compatibility" is a somewhat vague term. While he felt that the ordinance should be made stronger, he urged the Commission to adopt it as presented by the staff of the Department of City Planning. In conclusion, he stated that his reply to people who might contend that they could not live with the proposed ordinance would be that they must have already made up their minds not to try.

Philip Ehrlich represented James Kelso, principal owner of property located at 530 Washington Street, and Harold Zellerbach, executor of the estate of Jemy Zellerbach. He also indicated that he unofficially represented between 80% and 90% of the property owners affected by the ordinance. He informed the Commission that his clients would support the proposed ordinance. He remarked that the people who had started the process of renovation in the Jackson Square Area had worked hard to achieve improvements in the proposed ordinance; and, as a result, he was convinced that the ordinance had been vastly improved and made viable without being weakened. Nevertheless, he felt that two provisions in the ordinance should still be modified; and, with those modifications, he would be prepared to give his full support to the proposal. He stated that his clients had originally questioned many provisions of the proposed ordinance; and, while they continued to have grave doubts about the boundaries which were being proposed, they would be prepared to support the ordinance in all respects, including the broader boundaries, if the two changes which he was going to recommend would be accepted by the Commission. The first of his suggestions related to non-landmarks. He stated that 77% of the buildings in the central area of the proposed district, which he had previously referred to as the "recognized area", were approved landmarks; yet, throughout the remainder of the proposed district, 0% of the buildings had been designated as landmarks. That portion of the district, covering approximately 7 acres, contains 80 buildings and has an appraised real estate value of approximately \$50 million. As presently drafted, the proposed ordinance would provide that the demolition of buildings which have not been designated as landmarks could be delayed for up to 6 months by the City Planning Commission; and he felt that the ordinance should be amended to shorten the delay period to a maximum of 90 days. He pointed out that even if non-landmark buildings are demolished, the owners will not necessarily be allowed to rebuild as they might wish since the new structures would have to conform to the character of the district. Since the City Planning Commission can delay demolition permits for designated land-

marks for only 6 months, he felt that the shorter period of 90 days being recommended for non-landmark buildings would be fair and reasonable.

The second amendment which Mr. Ehrlich wished the Commission to consider pertained to the provisions governing the Commission's review of applications for the remodeling of non-landmark buildings. As presently drafted, the ordinance would require that any exterior changes proposed for such buildings which would be visible from the street would be subject to the approval by the City Planning Commission on the advice of the Landmarks Preservation Advisory Board, even if no permit were required for the work to be done. Furthermore, the ordinance would give the City Planning Commission very broad and powerful control to be used in exercising its discretion over alterations proposed for non-landmark buildings. Specifically, the language of the proposed ordinance would require that reasonable efforts be made to preserve, enhance, or restore non-landmark buildings when alterations are made, giving consideration to economic and other factors; and, as he interpreted the language of the ordinance, it would give the City Planning Commission absolute power to veto any alteration proposal under its consideration. He stated that all but two of the buildings in the area which have not already been designated as landmarks were built after 1906; and he felt that most of those buildings lack a stylistic unity. Under the circumstances, he felt that the ordinance should be modified to provide that the proper standard for approval of remodeling projects should be that the completed product be "compatible with the character of the district". He emphasized that such a standard had been established for new construction; and he felt that the same standard should apply to the remodeling of non-landmark buildings. While he acknowledged that the decision of the City Planning Commission could be appealed to the Board of Supervisors in either case, he felt that it would be easier for both bodies to agree on an interpretation of the words "compatible with the character of the district" than would be the case if the words "to preserve, enhance, or restore" were left in the ordinance.

At the request of Commissioner Fleishhacker, Mr. Ehrlich read the section of the ordinance with which he was concerned (Section 1006.7(c)) as follows: "For applications pertaining to property in historic districts, other than on a designated landmark site, reasonable efforts shall be made to preserve, enhance, or restore and not to damage or destroy, the exterior architectural features of the subject property, considering the degree of its compatibility with the character of the historic district, the feasibility of rehabilitation, and other pertinent factors." He felt that those standards were too broad and open; and he felt that alternate language which had been agreeable to two members of the Landmarks Preservation Advisory Board should be substituted for the language which he had just read.

Mr. Ehrlich, referring to page 10 of the memorandum dated December 1, 1971, from the Zoning Administrator to the Landmarks Preservation Advisory Board, remarked that the staff evaluation of public comments which had been received regarding design flexibility had specified that the emphasis of the Jackson Square Report and the proposed ordinance was on compatibility and not on stylistic imitation; and the recommendation of the staff was that "the draft ordinance language should be modified to state clearly that in design control, the primary aim shall be compatibility with the character of the district rather than replication of the design of an existing

building or a strict imitation of style." He stated that he agreed entirely with the staff evaluation and recommendation as reflected on page 10 of the memorandum; but he believed that the sentiments expressed in the memorandum had not been reflected in the proposed ordinance. He felt the change should be made; and he emphasized that the determination of compatibility would still be made by the City Planning Commission. He advised the Commission that he and his clients would be prepared to support the proposed ordinance if the changes which he had recommended were to be accepted, although he admitted that they would still not be wildly enthusiastic about the ordinance. He also stated that their recommendations had been communicated to other property owners in the area; and no one had expressed disagreement with the recommendations.

Commissioner Fleishhacker emphasized that the text of Section 1006.7(c) of the proposed ordinance specified only that reasonable efforts should be made to preserve, enhance, or restore non-landmark buildings which are being remodeled; and he did not feel that it would be unfair to require that "reasonable efforts" towards those ends be made. Mr. Ehrlich stated that even if the proposed alterations would be compatible with the district, the Commission could still use its discretion to deny permission for the alterations if it felt that the changes would not preserve, enhance, or restore the exterior architectural features of the building.

At the request of President Newman, the Director responded to the changes which had been proposed by Mr. Ehrlich. He stated that the issue of holding demolition permits for non-landmark buildings for a maximum of 90 days rather than 180 days had been considered by the Landmarks Preservation Advisory Board; and the Board had voted unanimously to propose that the City Planning Commission should have the authority to hold such permits for a maximum of 180 days. He remarked that it would be difficult, if not impossible, to take effective steps to save an endangered building in only three months; and he emphasized that the basic reason for establishing an historic district would be to encourage preservation. In any case, if the Commission should decide that it would not be feasible to preserve a particular building or that the building was not worthy of preservation, it would have the option of issuing the demolition permit prior to the expiration of the 180 day holding period. For these reasons, he supported the recommendation of the Landmarks Preservation Advisory Board for a 180 day holding period; and he could not recommend adoption of the change which had been recommended by Mr. Ehrlich.

With regard to the changes which had been proposed by Mr. Ehrlich concerning the standards to be used in reviewing proposals for remodeling of non-landmark buildings, the Director stated that it was his understanding that Mr. Ehrlich wished to have the ordinance provide that any remodeling project which would be compatible with the district must be approved. He believed that if the Commission were to take such a position, it would be forgetting the basic purpose of the proposed ordinance which is preservation. While a given remodeling project might result in a building which would be compatible with the district, the appearance of the building might still be inferior to the appearance of the building in its original state. He emphasized that the primary purpose of the proposed ordinance would be to preserve, enhance, and restore the area; for that reason, he could not recommend approval of

either of the changes which had been recommended by Mr. Ehrlich. In conclusion, he noted that the decision of the City Planning Commission on a specific proposal for remodeling could be appealed to the Board of Supervisors.

Commissioner Porter asked how much time of the staff and of the Commission would be required in the future to review the details of proposals for alteration of buildings in the historic district. The Director replied that he had no way of knowing how much time might be required for such reviews.

Commissioner Porter then stated that she did not feel that the City Planning Commission should be put in the position of using its discretion to decide whether demolition permits should be held for 180 days or for a lesser period of time. She believed that property owners should be able to know in advance how long their permits would be held. The Director stated that most property owners could anticipate that their demolition permits would be held for the maximum period of 180 days.

Commissioner Ritchie stated that it was his opinion that the changes which had been recommended by Mr. Ehrlich would result in an improvement of the ordinance under consideration. He emphasized that non-landmark buildings are different from buildings which have been designated as landmarks; and he felt that a maximum of 90 days would be sufficient time for the Commission to hold demolition permits for non-landmark buildings. He also felt that the proposed ordinance should be specific with regard to the standards to be used by the Commission in judging proposals for the renovation of non-landmark buildings; and the approach which had been recommended by Mr. Ehrlich seemed to him to be reasonable. He believed that both changes which had been recommended by Mr. Ehrlich should be incorporated into the proposed ordinance.

Commissioner Fleishhacker remarked that Mr. Ehrlich had opened his presentation by stating that he was in favor of the proposed ordinance; yet, it now appeared that he would not be in favor of the proposed ordinance unless it were to be amended.

Mr. Ehrlich stated that he officially represented two property owners; and, while he was not officially authorized to speak for other property owners in the area, he was convinced that the viewpoints which he had expressed accurately reflected the opinion of most of the property owners in the area. He stated that he and his clients wished to have an acceptable ordinance approved by the Commission; however, if they should fail, they would have to decide whether they would limit their appeal to the Board of Supervisors to changes which they had recommended to the Commission or whether they would also request the Board of Supervisors to modify the boundaries of the district.

Commissioner Fleishhacker asked if Mr. Ehrlich and his clients would definitely support the proposed ordinance if the Commission were to approve the changes which he had recommended. Mr. Ehrlich replied in the affirmative.

President Newman asked if Mr. Ehrlich and his clients would also support the broader boundaries which had been recommended by the Landmarks Preservation Advisory Board if the two changes were made. Mr. Ehrlich again replied in the affirmative.

Mrs. Morse Erskine stated that she was in agreement with other individuals who had spoken in favor of the proposed ordinance. She remarked that the Jackson Square area serves as a buffer between the Gold Rush Era and the Modern Age and as a buffer between the downtown business district and the residential area on Telegraph Hill. In addition, she regarded the area as the emotional heart of the City; and she remarked that a city cannot be vital and alive with only modern buildings. In conclusion, she stated that she had understood that the buildings in Jackson Square had endured the earthquake and fire of 1906 because they had steel shutters.

Fred Cummings, representing the owners of the Playboy Club, remarked that the nicest thing which had been said about the Playboy Club Building during the hearing was that it is "incompatible". He stated that he regarded certain language contained in Section 1005(e)3 as being unfair. That section of the proposed ordinance read as follows: "When the application is for a permit to do ordinary maintenance and repairs only, unless, in the opinion of the Department, approval of the said application would seriously conflict with the purposes and standards in this Article 10 or the provisions of the designating ordinance. For the purpose of this Article 10, ordinary maintenance and repairs shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster." He requested that the last portion of the first sentence, beginning with the word "unless", be deleted. He remarked that the Playboy Club is only six years old; and, although the building may be incompatible with the rest of the historic district, he felt that the owners of the building should have the same right to restore or reconstruct the building if it should be damaged by disaster as they would have if it were a non-conforming use. As he read the text of the proposed ordinance, the owners of the building would not have an absolute right to reconstruct the building if it should be damaged or demolished by a disaster; and he felt that the ordinance should be modified so that it would be clear that the owners would have a right to reconstruct a building as it was just prior to the disaster.

Mr. Domerque, a member of the audience, expressed support for the changes which had been requested by Mr. Ehrlich.

Norman Miller, representing the Union Oil Company, also indicated his concurrence with the recommendations which had been made by Mr. Ehrlich.

Mr. Harman stated that he was of the opinion that the change which had been recommended by Mr. Ehrlich specifying that alteration proposals should be approved if the results would be "compatible" with the district would provide the Commission with too loose a standard for review; and, consequently, such a change would strike at the vitals of the proposed ordinance. He emphasized that many of the buildings in the district which have not been designated as landmarks are worthy of preservation; and he remarked that it could not be assumed that buildings which have not as yet been designated as landmarks shall not be so designated in the future. He emphasized that the proposed ordinance provided only that property owners should make a "reasonable effort" to preserve, enhance or restore non-landmark buildings which are being remodeled; and he did not feel that such a requirement would be

unfair. With regard to the issue of whether demolition permits should be held by the Commission for a maximum of 90 days or 180 days, he remarked that he had always felt that the six month period specified in the ordinance would be too short; and he did not believe that a 90-day period would provide sufficient time for serious purchase negotiations to take place. In conclusion he urged that neither of the amendments which had been requested by Mr. Ehrlich be approved.

During the course of the hearing, President Newman distributed among members of the Commission letters and telegrams which had been received from the following individuals and organizations in support of the proposed ordinance: Douglas P. Ferguson, Robert E. Capron, San Francisco Beautiful, Henrick Bull, Telegraph Hill Dwellers, Sierra Club, Vera & Robert Ransom, John Yeon, Helen Heskins, Lawrence Livingston, Jr., California Historical Society, San Francisco Tomorrow, Paul Sedway, Mrs. Rufus Thayer, Mr. & Mrs. Kenneth Evers, June Critchlon, J. E. Coyle, and Jeannette Woodbridge.

President Newman also distributed to the members of the Commission a petition which had been received from Mr. and Mrs. Desmond Heslett containing the names of 21 individuals urging that the proposed ordinance be adopted.

Mrs. Peter Platt, Vice-President of the Landmarks Preservation Advisory Board, stated that the members of her board had had a specific reason for including the words "to preserve, enhance, or restore" in the section of the ordinance pertaining to the remodeling of non-landmark buildings. Many of those buildings contain considerable detail; and, if that detail were to be stripped during the course of a remodeling project, the buildings might still be compatible with the district, but they would not be as compatible with the district as they would have been if the original features had been retained. She also noted that Commissioner Porter had inquired about the amount of time which would be consumed by the staff and the Commission in reviewing alteration proposals; and she indicated that the Landmarks Preservation Advisory Board, at the request of Commissioner Porter, had included language in the proposed ordinance which would enable the Commission to delegate the review of such proposals to a committee. She agreed with Mr. Harman that 90 days would not be a sufficient amount of time for serious negotiations to take place for the purchase of non-landmark buildings which were scheduled for demolition; and she emphasized that the ordinance, as written, was flexible in that it provided that the Commission could shorten the 180 day holding period at any time if it so desired. Compared with historic ordinances which had been adopted by other cities, the ordinance presently under consideration could not be regarded as a strong ordinance; but she felt that it was extremely important that it should be adopted by the Commission.

Commissioner Ritchie stated that he had been involved in the restoration of more than 50 buildings in the Jackson Square Area; and in no case had original detailing been removed from the buildings. If anything, new detailing had been added. He was confident that the same circumstances would continue to prevail in the future.

President Newman inquired about the details of the vote taken by the Landmarks Preservation Advisory Board on the issue of the length of time which demolition permits for non-landmark buildings should be held by the Commission. Mr. Stover replied that his board had voted 5-3 in opposition to the 90-day holding period, 4-4 on the question of a 120-day holding period and unanimously on the recommendation for a 180-day holding period.

Mr. Frisbee advised the Commission that a period of at least one year is normally required to work out the details for purchase or preservation of buildings threatened by demolition.

The Director noted that he had previously recommended that the proposed ordinance be adopted as transmitted by the Landmarks Preservation Advisory Board; and nothing had been said during the course of the meeting to convince him that his recommendation should be changed. With regard to the issue which had been raised by Mr. Cummings, he remarked that the language of Section 1005 of the proposed ordinance had been reviewed with the City Attorney; and it was because of that review that the staff had recommended deletion of the phrase "but not including major reconstruction due to disaster or for any other reason" from the end of Section 1005 (e)3.

Commissioner Fleishhacker believed that the owners of the Playboy Club would be protected in the event of a major disaster since it was apparent to him that the language of the proposed ordinance would allow them to reconstruct the building as it now stands. However, he wondered if the City Planning Commission could withhold approval of repairs resulting from minor damage because of the wording of the text of the ordinance. The Director replied that the introductory words to Section 1005 (e) of the ordinance specify that the Department of City Planning shall "in any event process the permit application without further reference to this Article 10" if the application is for a permit to do ordinary maintenance and repairs only. Additional language, to which Mr. Cummings had objected, specified that the general procedure might be changed when it is the opinion that the Department of City Planning that approval of the application would seriously conflict with the purposes and standards of Article 10 or the provisions of the designating ordinance.

Commissioner Finn stated that he did not feel that the language of Article 10 would prevent reconstruction of the Playboy Club in case of a major disaster.

The Director reiterated the fact that the language of Article 10 had been reviewed with the City Attorney; and he noted that any future difference of opinion regarding its interpretation could be settled by way of a law suit.

Commissioner Ritchie stated that he had been deeply involved in the restoration of Jackson Square for the past 20 years; and he felt that adoption of the Jackson Square Ordinance would be a very important moment for the people who had been involved in that movement. He also remarked that he had been the Vice-President of the Landmarks Preservation Advisory Board when designation of Jackson Square as a historic district was first being considered; and, as a result, he con-

sidered it a privilege to be able to endorse the ordinance as a member of the City Planning Commission. He then moved that the ordinance be adopted with the two amendments which had been requested by Mr. Ehrlich and with an additional amendment as requested by Mr. Cummings on behalf of the owners of the Playboy Club Building.

The motion was seconded by Commissioner Porter. She stated that she had never been able to see an important distinction between the 90-day and 180-day holding periods for the demolition permits for non-landmark buildings; and she feared that transmittal of an ordinance to the Board of Supervisors without the changes which Mr. Ehrlich had requested might result in reduction of the boundaries of the district or in defeat of the entire ordinance.

The Director suggested that the proper procedure for the Commission to follow would be to entertain a motion for adoption of the ordinance as recommended by the staff of the Department of City Planning, followed by motions to amend the main motion to modify the text of the ordinance as requested by Mr. Ehrlich and Mr. Cummings. As a result of the Directors suggestion, Commissioner Ritchie withdrew his motion and Commissioner Porter withdrew her second of the motion. It was then moved by Commissioner Finn and seconded by Commissioner Fleishhacker that the ordinance be adopted as recommended by the Director of Planning.

It was then moved by Commissioner Ritchie and seconded by Commissioner Finn that the ordinance under consideration be amended by deleting the last half of the first sentence of Section 1005(e)3 as requested by Mr. Cummings on behalf of the owners of the Playboy Club. Following discussion, the question was called and the Commission voted 6-1 in favor of the amendment. Commissioners Finn, Fleishhacker, Newman, Porter, Ritchie, and Rueda voted "Aye"; Commissioner Miller voted "No".

Subsequently, it was moved by Commissioner Ritchie and seconded by Commissioner Porter, that Section 7(d)2 of the draft ordinance be amended to provide that demolition permits for non-landmark buildings would be held by the Commission for a period of 90 days. In clarifying the intent of their motion, Commissioners Porter and Ritchie specified that the holding period would be a flat 90 days, nothing less and nothing more.

Commissioner Fleishhacker spoke in opposition to the motion. In cases where there might be a desire to preserve non-landmark buildings scheduled for demolition, a period of at least 6 months would probably be needed to make the proper arrangements. In other cases, where it would be obvious that the buildings were not worthy of preservation or that preservation would not be feasible, the Commission would have the authority to release the demolition permit at any time it saw fit under the terms of the ordinance as proposed by the staff of the Department of City Planning. He did not feel that the proposed ordinance should be weakened by action of the City Planning Commission; rather, he felt that the Commission should transmit the best possible ordinance to the Board of Supervisors, allowing that Board to make changes if it so desires. In any case, he noted that even ordinances which have been adopted can be amended; and, if problems should develop in the future, the ordinance presently under consideration could be amended accordingly. He anticipated that very

few demolition permits would be filed; and, when new developments are contemplated, plans are made far in advance. In his own opinion, a holding period of one year would be desirable; and he regarded the six month period specified in the draft ordinance as a modest proposal.

Commissioner Ritchie stated that he did not agree with the rationale of Commissioner Fleishhacker's argument. He advised the Commission that buildings can be financed in periods ranging from one week to sixty days; and he believed that a 90-day holding period for demolition permits for non-landmark buildings would be sufficient to meet the purposes of the proposed ordinance. In any case, he emphasized that the Commission was considering the holding period for permits for the demolition of non-landmark buildings; and he, for one, was hopeful that those buildings would be replaced by more compatible buildings in the future.

Commissioner Fleishhacker pointed out that almost all of the members of the audience were in favor of a holding period of six months; and he did not understand why the Commission should disregard their wishes merely to satisfy the special interests of two individual property owners. Furthermore, if the amendments were to be approved by the Commission, he felt that it was possible that those in favor of a stronger ordinance, including the Landmarks Preservation Advisory Board, might oppose the Commission's action before the Board of Supervisors.

Commissioner Rueda stated that he intended to vote against the amendment under consideration.

Commissioner Finn stated that he would vote for the amendment so that there would be less likelihood of opposition to the ordinance when it is being considered by the Board of Supervisors. In any case, he felt that there should be some differentiation between the length of time which the Commission could hold demolition permits for non-landmark buildings as opposed to landmark buildings.

Commissioner Fleishhacker pointed out that the ordinance, as drafted, would provide for a differentiation between demolition permits for landmark buildings and those for non-landmark buildings. While the City Planning Commission could hold both for a maximum period of six months, demolition permits for landmark buildings could be held for an additional six months by the Board of Supervisors.

Commissioner Porter, referring to Commissioner Fleishhacker's comment that people in favor of the 180-day holding period might oppose the ordinance before the Board of Supervisors if it were to be amended by the Commission, asked Mr. Stover how the Landmarks Preservation Advisory Board might react. Mr. Stover replied that he could not speak for other members of the Board; however, he stated that he would continue to advocate a holding period of 180 days.

President Newman noted that an alternate proposal for a holding period of 190 days had failed before the Landmarks Preservation Advisory Board by lack of one vote; and he suggested that it might be desirable for the Commission to consider such a compromise. Commissioner Finn stated that he would support such a compromise.

Mr. Ehrlich stated that no holding period longer than 90 days would be acceptable to his clients.

When the question was called, the motion for amendment of the ordinance to establish a holding period of 90 days rather than a holding period of up to 180 days for demolition permits for non-landmark buildings failed by a vote of 3-4. Commissioners Finn, Porter, and Ritchie voted "Aye"; Commissioners Fleishhacker, Newman, Miller, and Rueda voted "No".

Subsequently, it was moved by Commissioner Finn that the ordinance be modified to provide for a holding period of up to 120 days for ~~demolition permits~~ for non-landmark buildings. The motion died for want of a second.

Commissioner Ritchie then indicated that he wished to make a motion to amend Section 1006.7(c) to satisfy Mr. Ehrlich's concern regarding the standards which would be used by the Commission in evaluating alteration proposals for non-landmark buildings; and he asked the Director of Planning to suggest proper language for the amendment. The Director replied that he did not clearly understand the changes which Mr. Ehrlich wished to have made in that section of the ordinance.

Mr. Ehrlich suggested that the amendment be approved in concept with specific language to be worked out later between himself and the staff of the Department of City Planning.

The Director recommended against such an approach.

Mr. Ehrlich then submitted the following language with the request that it replace the language contained in the draft ordinance for Section 1006.7(c): "For applications pertaining to property in historic districts at other than on a designated landmark site, the remodeling, new construction or other proposed work shall be compatible with the character with the historic district as described in the designating ordinance. An application for a certificate of appropriateness, new construction or other proposed exterior changes must be approved if such compatibility exists."

It was then moved by Commissioner Ritchie and seconded by Commissioner Porter that the language recommended by Mr. Ehrlich for Section 1006.7(c) of the ordinance be substituted for the language which had been recommended by the staff of the Department of City Planning.

Commissioner Fleishhacker stated that he intended to vote against the motion. He remarked that Mrs. Platt had pointed out that some of the buildings in the district which have not been designated as landmarks still have very important features, some of which are as important as the features of buildings which have been designated as landmarks; and he did not feel that it would create any hardship for the owners of such buildings to require them to make a "reasonable effort" to preserve, enhance, or restore their buildings if a remodeling project were being contemplated especially since the Commission could not force the owners of such build-

ings to do the impossible. He felt that it had to be assumed that the ordinance would be administered by a reasonable Commission acting reasonably; and, under such circumstances, he expected that the Commission would be sympathetic to any property owner who could show that preservation, enhancement, or restoration would not be feasible. He felt that the City Planning Commission should pay attention to the experts who had drafted the proposed ordinance; and he believed that the ordinance to be recommended to the Board of Supervisors should be as strong as possible. If parts of the ordinance should appear to be unreasonable to the Board of Supervisors, they would be at liberty to make modifications of their own; but he did not feel that the whole ordinance would be lost if the Commission should refuse to weaken it as recommended by Mr. Ehrlich.

Commissioner Rueda stated that he intended to vote against the motion since he considered the language which had been recommended by Mr. Ehrlich to be too vague and less explicit than the language which had been recommended by the staff of the Department of City Planning.

President Newman believed that the word "reasonable efforts" included in the language which had been recommended by the staff of the Department of City Planning would give property owners a great deal of leeway; and he felt that the Commission would have to approve alteration proposals if a property owner had made a serious effort to preserve, enhance, or restore his building and had found that he was unable to do so. He stated that he, also, would vote against the motion.

Commissioner Finn stated that he preferred the criteria established in the language which had been recommended by the staff of the Department of City Planning; and, therefore, he intended to vote against the motion, also.

When the question was called, the motion failed by a vote of 2-5. Commissioners Porter and Ritchie voted "Aye"; Commissioners Finn, Fleishhacker, Miller, Newman, and Rueda voted "No".

Subsequently, it was moved by Commissioner Fleishhacker, seconded by Commissioner Miller, and carried unanimously that Resolution No. 6820 be adopted and that the draft ordinance, as amended, be approved.

At 6:05 p.m. President Newman announced a five minute recess. The Commission reconvened at 6:10 p.m. and proceeded with hearing of the remainder of the agenda.

DISCRETIONARY REVIEW OF BUILDING APPLICATION NO. 403139 FOR AN APARTMENT COMPLEX ON SUTTER AND POST STREETS, EAST OF HYDE STREET. BUILDING EXCEEDS BULK GUIDELINES UNDER INTERIM HEIGHT AND BULK CONTROLS.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Scheduled for review today under the Planning Commission's discretionary powers are amended plans filed under Building Permit Application No. 403139 for two apartment buildings, one fronting on Post Street and one fronting on Sutter Street, containing a total of 284 studio and

one-bedroom dwelling units and 2,880 square feet of commercial space in an R-5-C zoning district. Commission review is required because the residential tower fronting on Post Street would be 137.5 feet in length and would have a diagonal plan dimension of 156 feet where the 160-F district provisions applicable to the subject property under the interim height and bulk controls adopted by the City Planning Commission initially in August 1971 would limit any portion of the building above 80 feet in height to a maximum plan length of 110 feet and a diagonal dimension of 140 feet.

"The Proposal:

"The subject application, filed by Henry D. Davis for Bay City College Dental-Medical Assistants, owner of the subject site, and designed by Jorge De Quesada, architect, proposes a building on a double frontage, "L" shaped lot having frontages of 93.5 feet on Sutter Street and 137.53 feet on Post Street, and an area of 31,762.25 square feet. Fronting on Sutter Street would be a 13-floor building containing on the ground floor an entrance lobby to 94 studio units and 60 one-bedroom units in the upper 12 floors, 2,880 square feet of commercial space fronting on Sutter Street, and 16 off-street parking spaces. In addition to the ground level parking, 30 parking spaces are proposed one level below the Sutter Street grade; both levels of parking would be accessible from Sutter Street. The Sutter Street building would be approximately 133 feet high, and the plan length would be of 93.5 feet and the diagonal plan dimension 20 feet. Fronting on Post Street would be a 13-floor building containing 58 studio units and 108 one-bedroom units on 12 floors over the ground level lobby floor which also accommodates 47 off-street parking spaces. Forty-seven additional off-street parking spaces are located on a on a floor level below the grade of Post Street. Access to these parking spaces would be from Post Street. The Post Street tower would be 137.5 feet long, would have a diagonal plan dimension of 156 feet, and would be 113 feet high. The towers would be 128 feet apart, and this space, occupied by covered parking described above, would be developed as usable open space for the proposed dwelling units. No front setback or side yards are provided the Sutter Street tower; a partial front setback of 6.5 feet is provided the Post Street tower, but no side setbacks are provided.

"The final exterior treatment of the subject development has not yet been determined. However it is proposed that a 26-foot wide segment at each end of the Post Street building be off-set from the center 85.5-foot wide section and these segments would be treated architecturally in a different manner than the center section. The east and west walls of both towers would be without windows but are proposed to be textured.

"The two towers represent a lot coverage of 51.4 percent; however because of the location of dwelling units the Post Street level at the same level as garage level in the Sutter Street tower the coverage as defined under the R-5-C regulations applicable to the site is 70.5 percent. The gross floor area is 202,855 square feet resulting in a floor-area-ratio of 6.4 to 1.

"Zoning:

"The R-5-C classification of the subject parcel permits the development of the site with a maximum of 284 dwelling units as proposed, a floor-area-ratio of 10.3 to 1 as compared to the proposed ratio of 6.4 to 1, and a lot coverage of 75 percent as compared to the proposed 70.5 percent. A rear yard of 20 feet must be provided either along Sutter Street or Post Street.

"As no rear yard space has been provided as required by the Code the proposed design would be dependent upon approval of a variance application by the Zoning Administrator. No variance application has been filed to date.

"The R-5-C district permits commercial development at the ground level as proposed, and requires for the subject proposal 123 off-street parking spaces as compared to the proposed 140 spaces.

"Under the Interim Height and Bulk Controls adopted initially by the Planning Commission in August 1971 and in amended controls on February 17, 1972, buildings on the subject site may not exceed a height of 160 feet as compared to the proposed 113-foot height of each tower. However, as stated above, the Post Street tower would exceed the bulk limits imposed by the interim controls. As the subject application was filed in October 1971 the proposal would be subject to the interim height and bulk control provisions adopted on August 26, 1971. These provisions state that the bulk guidelines indicate the maximum horizontal dimensions that buildings and structures should be permitted to achieve without compensating factors in their design. Without such compensating factors, buildings and structures exceeding the guidelines will have an overwhelming effect upon the skyline and upon nearby areas. In considering any proposal that would exceed either plan dimension the Planning Commission shall take into account the principles and policies of the Urban Design Element of the Master Plan and may permit the bulk guidelines to be exceeded only if and to the extent the excess in the dimensions is compensated for by at least several of the following factors:

- "1. Fluctuations in the planes of wall surfaces that significantly alter the mass of the building or structures;

- "2. Difference in the heights of various portions of the building or structure that divide its mass into distinct elements;
- "3. Difference in materials, colors or scales of the facade of the building or structure that produce separate major elements;
- "4. Maintenance of an overall height similar to that of surrounding development; and
- "5. Use of materials, colors or scales harmonizing with those of nearby development.

"In addition to reducing the apparent bulk of the building or structure and producing an impression of an aggregation of parts rather than a single mass, these factors should develop a silhouette harmonious with natural land forms and building patterns, and achieve a balanced transition, where appropriate, between areas of the City with a dissimilar character.

"Existing Zoning and Development in Vicinity:

"The subject site, which currently is occupied by a vacant parking lot on the Sutter Street frontage and a portion of the Bay City College on the Post Street frontage, is in the R-5-C district which covers much of the primarily residential area between the Downtown commercial C-3 districts and the Van Ness Avenue and Polk Street C-2 commercial districts. The majority of existing development is medium-high to high-density residential buildings, many of which contain ground-level commercial space. In the immediate vicinity of the subject site the predominant building height ranges between approximately 40 and 70 feet. The largest development in the immediate vicinity is a 94-unit dwelling having a height of 130 feet at the northwest corner of Sutter and Leavenworth Streets.

"Under the Interim Height and Bulk Controls adopted on February 17, 1972 by the City Planning Commission the height of properties immediately to the west of the subject site is limited to 130 feet, and properties approximately two blocks to the east in the C-3-G district would be limited to a maximum height of 240 feet. Under these controls the bulk limit of a maximum plan length of 110 feet and a diagonal dimension of 140 feet would apply to any portion of a building over 65 feet in height in the area west of the subject site. The C-3-G district to the east of the subject site is subject to bulk limitations of a maximum plan length of 170 feet and diagonal dimension of 200 feet for any portion of a building above 100 feet in height.

"Outside of the immediate subject area, are the 120-foot high Granada Hotel at the northwest corner of Sutter and Hyde Streets, the 135-foot high Pine Terrace Apartments several blocks to the northeast of the subject site, the 102-foot high Canterbury Hotel, 197-foot high Marine's Memorial Auditorium, 100-foot high Barrett Motor Inn, and 196-foot high Alexander Hamilton Building to the east and south of the subject site. The new 400-foot high St. Francis Hotel tower is approximately four blocks southeast of the subject site, and the two-152-foot high towers of the Eichler Apartments are four blocks to the south. Each of the Eichler Apartment towers is approximately 137-feet long and have a diagonal dimension of approximately 145 feet.

"Additional Background:

"The present subject proposal has been contemplated for construction by the applicant for a number of years, and the applicant sought a building permit for construction in 1967. However, by the time certain variances from the Building Code were obtained the applicant had lost his financing for the building and the applicant could not proceed with building permits. Subsequently the applicant has explored several alternative schemes and in October 29, 1971 filed the subject application with plans for a single residential tower 180-feet high and 174.5 feet long extending through the center of the subject block in a north-south direction. Subsequently the applicant amended that plan to a height of 160 feet to meet the interim height controls applicable to the site, and then in February 1972 substituted the present plans at the recommendation of staff of the Department of City Planning in order to meet more closely the provisions for both height and bulk applicable to the subject site."

Harold Major, representing the applicant's architect, emphasized that both the lot coverage and the floor area ratio of the proposed project would be less than that which would be permitted by the City Planning Code; and, in addition, the 122-foot space between the two buildings would be landscaped. The complex would consist of one bedroom and studio apartments designed for medium income people. He stated that every effort had been made to comply with all City code requirements; and he hoped that the plans would be approved as submitted.

Henry Davis, the applicant, stated that he had been trying to put the proposed package together since 1967 and had been delayed since he had lost his financing after the original plans for the project had been turned down.

The Director recommended that the subject site permit application be approved on the condition that the applicant and his architect continue to work with the staff of the Department of City Planning in the development of final plans so that the treatment of the exterior of the Post Street building is refined in a manner

that will increase the impression of aggregate parts rather than a single mass to as to reduce the apparent bulk of the building. He remarked that the presently proposed fluctuation of the north and south wall surfaces and the proposed change in surface texture between the end wall segments and center section of the building had begun to reduce the apparent building bulk significantly; but additional appropriate detailing, including window reveals, additional wall textures, greater projection of balconies and possibly bay windows, would increase the desired effect. Both towers should be light in color. Landscaping of the site should also be developed in consultation with the staff; on-site landscaping should include large scale plant materials; and appropriate street trees should be installed on both street frontages. He emphasized that approval of the subject proposal would be contingent upon approval of the rear yard and coverage variances noted earlier.

Mr. Davis stated that the conditions which had been recommended by the Director of Planning would be acceptable.

After further discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that Resolution No. 6821 be adopted and that the application be approved subject to the conditions which had been recommended by the Director of Planning.

REVIEW OF SIGN APPLICATION NO. 403013 REQUIRED UNDER STIPULATIONS OF
RESOLUTION NO. 4627, SAN JOSE AVENUE (RAY OIL BURNER SITE)

Robert Passmore, Planner V - (Zoning), reported on this matter as follows:

"Scheduled today for Commission review is Sign Permit Application No. 403013 filed by Foster and Kleiser Co. to replace an existing 12 x 125' (poster panel) with a 16 x 48 foot billboard (painted bulletin) at 20 Rousseau Street on Block 6747, Lot 15 in a C-M zoning district. This proposal requires Commission review because a stipulation placed on the site when it was reclassified from a Commercial District to a Light Industrial District on November 15, 1956: 'under Resolution No. 4627 requires that all signs on the site be subject to approval by the City Planning Commission.'

"The proposed southwesterly facing sign would be a back up to an existing billboard facing northwesterly. Overall height of the billboard would be 40' above the sidewalk elevation of San Jose Avenue, the maximum height permitted a free-standing sign in a C-M district. However, because San Jose Avenue at this point is 12 feet above the groundlevel of the site the sign would be actually 52 feet high. This height would make the sign the most prominent structure in the vicinity.

"The existing billboard facing northwesterly that would be retained and the billboard facing southwesterly that would be replaced under the present proposal were approved by the City Planning Commission on August 9, 1962. The minutes of the Commission review at that time indicate concern as to the location of these signs in relation to the Southern Freeway,

which overlooks the subject site approximately 500 feet to the south. However, the Commission concluded that the relatively small size of the sign proposed in 1962, 12 x 25 feet, facing the freeway, precluded its use as a freeway oriented general advertising sign. The proposal now calls for a 16 x 48-foot sign.

"Part of applicant's proposal is removal of another existing Poster Panel facing northeasterly in back of 420 Bosworth, about 100 feet southwesterly of the subject sign.

"The subject site is the southern half of the Ray Oil Burner industrial plant complex that occupies the entire C-M district in this vicinity. The adjacent portion of San Jose Avenue is part of the 49-mile scenic drive. Adjacent to the southeast and north of the Ray Oil Burner site is R-3 and R-1 zoned property primarily developed with single-family dwellings."

Al Ried, representing Foster and Kleiser, believed that certain aspects of the proposed project would please conservationists and that other aspects would be advantageous to the billboard industry. One of the existing billboards would be completely removed from the site; and a new billboard would be installed which would totally back up the remaining structure so that it would no longer be unsightly. He also remarked that the light from the illumination of the existing sign has helped to protect the adjacent warehouse from intruders; and the owner of the property was anxious to have the additional lighting which the additional sign would provide.

Bryant Hall, representing Mrs. Reynolds of California Roadside Council, remarked that there was no doubt that the principal object of the proposal was to make the billboard visible from the Southern Freeway; and it seemed clear to him that the application should be disapproved.

The Director offered the following recommendation to the Commission:

"Although the applicant has stated that the sign is primarily to be viewed from San Jose Avenue and not freeway Route 280 and should not be considered a freeway billboard, staff believes that the size and height of the proposed new sign will be exceptionally visible from the freeway and would violate Section 608.5 of the Code that prohibits new general advertising oriented in a manner to be primarily viewed from a freeway. However, even if this were not the case staff recommends disapproval of the subject sign proposal on the grounds that a general advertising sign of the proposed size and height would be inappropriate along this section of the 49-mile scenic drive and in the immediate vicinity of a low-density residential neighborhood. Well designed sign related to the commercial and industrial occupancy of the site were contemplated by the Commission when it reclassified the subject property in 1956 to allow the expansion

MARCH 9, 1972

of an existing non-residential occupancy, but the additional use of the site is not necessary to the public welfare and unwarranted in light of the control established over this site under Resolution No. 4627."

Commissioner Ritchie remarked that it was his opinion that the new sign being proposed would be more attractive than the sign which the applicant proposed to remove; and he moved that the application be approved. The motion was seconded by Commissioner Porter.

Commissioner Fleishhacker asked if the sign would have to be removed if it is found to be visible from Interstate 280 after it has been constructed. Mr. Passmore replied that the sign would definitely be visible from the freeway; and it would have to be removed if a determination should be made by the Zoning Administrator that the sign is meant to be viewed primarily from the freeway. He emphasized, however, that such a determination could not be made by the City Planning Commission whose only responsibility was to determine whether the enlargement should be approved.

Commissioner Miller stated that he intended to vote against the motion; and he urged his fellow Commissioners to do so, also. He remarked that the City Planning Commission had waged a long and difficult struggle against freeway signs; and he regarded the sign presently under consideration to be one of the most offensive of the existing freeway billboards in the City. He emphasized that a billboard on the subject site would have no value if the southern freeway, constructed at public expense, did not exist; and he felt that the existence of the sign was detrimental to the urban environment, particularly since it is located on the 49-mile Scenic Drive. In his opinion, it would be desirable for the Commission to require that the sign be removed if it had that power; however, lacking that power, he saw no reason to grant permission for expansion of the sign.

When the question was called, the motion failed by a vote of 3-4. Commissioners Finn, Porter, and Ritchie voted "Aye"; Commissioners Fleishhacker, Miller, Newman and Rueda voted "No".

Subsequently, it was moved by Commissioner Fleishhacker, seconded by Commissioner Miller, and carried 4-3 that Resolution No. 6822 be adopted and that the subject application be disapproved. Commissioners Fleishhacker, Miller, Newman and Rueda vote "Aye"; Commissioners Finn, Porter, and Ritchie voted "No".

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, March 16, 1972.

The City Planning Commission met pursuant to notice on Thursday, March 16, 1972, at 7:00 p.m., in the auditorium of Herbert Hoover Junior High School.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, and Hector E. Rueda, members of the City Planning Commission

ABSENT: John Ritchie, member of the City Planning Commission

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Dean L. Macris, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Richard Hedman, Planner V - Urban Design; Wayne Rieke, Planner IV (Zoning); Peter Svirsky, Planner IV (Zoning); William Duchek, Planner II; John Phair, Planner II; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner.

ZT72.2 AND ZM72.2 - PUBLIC HEARING ON PROPOSED HEIGHT AND BULK CONTROLS (SOUTH-WESTERN PORTION OF THE CITY)

President Newman welcomed members of the audience and explained how the height and bulk controls which were being considered had originated with the Urban Design Study which was begun by the staff of the Department of City Planning in 1968.

Allan B. Jacobs, Director of Planning, delivered the following introductory comments:

"I think it is important to point out, as we have done before, that these height and bulk controls would implement only one part of the Urban Design Plan. The other parts, relating to such things as reduction of traffic in residential areas, conservation and improvement of other neighborhood amenities, preservation of historic buildings and restrictions on vacation of streets, are not part of these present proposals, and must be accomplished in other ways.

"The controls for height and bulk grew out of the portion of the Plan that concerns development of new buildings. The overall purpose of these controls is to regulate and guide future development and safeguard established qualities of the city. They are intended to relate new buildings to topography and natural features, to existing scales in each area, to patterns of land use, and to transportation.

"In arriving at the precise proposals now being considered, the staff began with the guidelines of the Urban Design Plan but also took into account established zoning districts, the development potential of certain areas, existing and approved construction, area plans, and other elements of the City's Master Plan.

"The height and bulk limits are citywide proposals, and in nearly all cases they would either retain existing limits or impose new limits that are more restrictive than those in effect in the past. In translating the Urban Design Plan guidelines into precise limits, the tendency was to become more restrictive than the guidelines of the Plan.

"The height controls being proposed are fixed limits, and once enacted they could be changed only by legislative action of the Board of Supervisors. The bulk limits, which apply to the higher buildings where they are permitted and have the effect of keeping these buildings slender on the skyline, would also be precise limits, although they could be modified by the Planning Commission in exceptional cases where compensating measures were taken to reduce the appearance of bulk.

"The large map shows the proposed limits for this part of the city, which would be in the form of height and bulk districts on the Zoning Map.

"Green indicates the Open Space district, covering the parks and other public open spaces with which this portion of the city is so well endowed.

"The greatest part of the rest of the area would be in a 40-foot height district, which covers R-1-D, R-1, R-2, R-3 and even some R-4 zoning use districts. The regulations applying to the underlying use districts would not be changed, and so the 35-foot height limit that now applies to R-1-D and R-1 districts would remain in effect.

"There is no provision in these zoning proposals for 'point tower' areas as suggested by the Urban Design Plan. It is not intended that the point tower concept be translated into zoning at any foreseeable time.

"Height limits greater than 40 feet would apply as follows:

- "1. 65 feet on the Polytechnic High School.
- "2. 65, 130 and 200 feet at the University of California Medical Center, covering only land now owned by U.C.
- "3. 65 feet along Lincoln Way from Arguello to Sixth Avenue and from 15th to 19th Avenue.

- "4. 65, 105 and 160 feet along Irving Street between 15th and 23rd Avenues, with the highest point at 19th Avenue.
- "5. 80 feet at the Laguna Honda Home and Woodside Gardens.
- "6. 65 feet along Taraval Street from 19th to 32nd Avenue and from 38th to 40th Avenue.
- "7. 100 feet in the commercial area along Sloat Boulevard near the Great Highway. This is an existing height limit and would not be changed.
- "8. 65 feet on a portion of the Stonestown shopping center.
- "9. 130 feet for the tall apartments at Stonestown and the western portion of San Francisco State College.
- "10. 130 feet for the apartment towers of Parkmerced.
- "11. 65 feet for the property at John Muir Drive and Skyline Boulevard where apartments of this height are being built.
- "12. 65 feet along Ocean Avenue from Manor to Phelan in the commercial area, and 65 feet also on the southern part of the reservoir opposite City College; and
- "13. 80 and 160 feet at City College.

"In each of these districts, bulk limits suitable to these heights are recommended.

"We are most interested in hearing your comments on these proposals."

Ruth Winfield, 1271-A Seventh Avenue, represented the Inner Sunset Action Committee (ISAC) and read and submitted the following resolution which had been adopted unanimously by the members of her association at a meeting held on March 9, 1972:

"WHEREAS, The City Planning Commission has proposed amendments to the text of the City Planning Code and to the Zoning Map in order to establish permanent height and bulk limits throughout the City of San Francisco; and

"WHEREAS, ISAC and the City Planning Commission desire to 'regulate and guide the future development and safeguard established qualities of the city' and of the neighborhood, that all existing open space be conserved and safeguarded, that all large buildings be strategically and carefully located in order to maintain and strengthen vital aspects

of neighborhood and city patterns, that valuable existing resources shall not be reduced or destroyed, and that the construction of new buildings conform to existing scales also being aesthetically harmonious with existing architecture and atmosphere in the neighborhood and, on a larger scale, the surrounding areas, and

"WHEREAS, ISAC, having charged its Housing and Zoning Committee to carefully scrutinize the height and bulk limits proposed by the City Planning Commission and this same committee, having held a series of meetings to exchange ideas and information with representatives of various groups, such as, the City Planning Department, CRISP, the Edgewood Avenue Association, 409 House, Russian Hill residents and residents of the Richmond district, the San Francisco Opposition, and the University of California, and

"WHEREAS, the Housing and Zoning Committee of ISAC, having thoroughly studied existing, allowable, and proposed height and bulk limits and having reported its comprehensive findings to the open meeting of ISAC on March 9, 1972, the members of ISAC present at the aforementioned meeting unanimously came to the conclusion that the City Planning Commission has proposed height and bulk limits which would adversely affect our neighborhood--the Inner Sunset District--and the neighboring districts of Golden Gate Park and Mount Sutro, which are precious resources to all citizens of San Francisco, and

"WHEREAS, ISAC, in accord with the City Planning Commission, desires to regulate and safeguard the established qualities of our neighborhood through the preservation of existing open space in Golden Gate Park, the Pacific Ocean, Mt. Sutro, Marin County, Mt. Tamalpais, and San Francisco Bay; and

"WHEREAS, ISAC desires to discourage 1) all speculation on properties in the neighborhood, 2) deferral of maintenance and deterioration of housing and properties in the neighborhood, 3) any increase in the density of the population residing, studying, or working in or near the neighborhood, and 4) any further expansion by the University of California on or around the San Francisco campus on the slopes of Mt. Sutro; and

"WHEREAS, the purposes of the City Planning Commission and ISAC mentioned earlier in this resolution can be best realized by strongly encouraging all of the following:

- 1) residential ownership of properties in the Inner Sunset
- 2) the continued present use of the properties in the neighborhood, which use harmonizes with the small scale of city blocks and streets in the Inner Sunset

- 3) the stable base of tenants, as well as property owners, who identify strongly with the unique character of the neighborhood and the City of San Francisco
- 4) the proper maintenance of properties and homes and public ways by tenants as well as property owners so to preserve the numerous unique architectural and structurally sound housing stock in the neighborhood
- 5) the preservation of one of the last lower middle class neighborhoods in the city
- 6) the stabilization of the variety of ethnic and socioeconomic life-style groups in the neighborhood
- 7) more personal, human relationships among residents in our area and among those who come in contact with the residents of our neighborhood, and
- 8) the University of California to have a positive and constructive impact upon the neighborhood,

now, therefore, be it

"RESOLVED, that ISAC, in recognition of the substantial demand made by property owners and tenants in the Inner Sunset for the City Planning Commission to adopt rational, permanent, height and bulk limits which safeguard the unique and vital character of our neighborhood, do hereby call upon and respectfully urge the City Planning Commission to revise the proposed height and bulk limits of all residential and commercial zones to conform to the existing use of properties in the Sunset; restrict the construction of all new buildings in the Sunset to 40 x height and bulk classification, support the present use of Polytechnic High School, yet designate the property presently occupied by this structure as Open Space, in order to assure that this property would be used solely as public open space in the event that Polytechnic High School at its present height (no further height being allowed) be no longer used by the San Francisco Board of Education, and that ISAC, if necessary, initiate a petition from property owners and tenants in the neighborhood in order to achieve the proper height and bulk limits which would safeguard the unique character, scale, variety of life-styles, vitality, precious open space resources, scenic view, and stability of the Inner Sunset."

Walter Susor, 1216 Second Avenue, indicated that he, also, was representing ISAC. He read and submitted the following prepared statement:

"I would like to direct my comments to the proposed height and bulk limit of 65-A along Lincoln Way between Arguello and Sixth Avenue and between Fourteenth and Nineteenth Avenue.

"ISAC recommends that the height and bulk limits of both area be reclassified from 65-A to 40-X.

"First of all, I would like to point out that the existing use along most of both of these stretches is low to moderate density, low (under 40 feet), single residences, flats and small apartments. Although there has been R-4 zoning for some time there has been no new high-rise construction and no apparent interest in high-rise construction anywhere in the area. Any 65 ft. high structure would therefore be out of scale and contrary to the existing use and character of the neighborhood.

"We feel that the construction of taller, higher density apartments in the neighborhood would reduce the quality of life in our neighborhood which is already overcrowded and in a fragile state, teetering between vitality, and panic selling to absentee ownership. Increased heights along Lincoln Way would also set a precedent for the future application and extension of the higher height limits to other properties in the neighborhood. Another fear of the neighborhood residents is that the higher height recommendation, coupled with the present R-4 overzoning will tempt more property owners to defer maintenance of their buildings in anticipation of selling out to speculators for the land value. Some evidence of this attitude is already apparent in the neighborhood, even though there is no evidence that speculators or contractors are interested in building in the area.

"The City Planning Department cites the need for student housing to support the proposed 65-A height and bulk limits between Arguello and Sixth Avenue, but a planning expert and spokesman for the University of California has indicated to us that the University itself supports the more restrictive 40-X designation for the area.

"The five block stretch along Lincoln Way between Arguello and Sixth Avenue is on flat land at the base of Mount Sutro. Allowing the construction of a 65 foot high group of structures on this level land will repeat the catastrophic Fontana Apartments experience near Russian Hill. In fact high building along Lincoln Way would be doubly destructive as it would obstruct views from both directions. First of all, views of Golden Gate Park from the neighborhood would be blocked and at the same time views of Mount Sutro from Golden Gate Park would be all but eliminated. The neighborhood would be further isolated from the Park; and the Park, instead of blending gracefully into the surrounding neighborhood, would become almost an isolated canyon.

"The climatological effect of higher structures along Golden Gate Park must also be considered. Lincoln Way is an East-West Corridor, following the path of the prevailing winds. High structures would only tend to further intensify the winds and funnel the winds along the length of the street, making it even less attractive for people. Also, since Lincoln Way is along the southern border of the Park, tall structures along Lincoln would cast a long cold shadow across the Southern edge of the Park, further reducing its attractiveness along the border of the Sunset District.

"Finally, the proposed 65 foot height along Lincoln Way is contrary to the guidelines established by the Urban Design Plan which

- "1. Contends to discourage the construction of high structures on flat land.
- "2. Would scale down structures bordering a public park.
- "3. Would preserve vistas and views toward open spaces.
- "4. Would contour the heights of structures to conform to the topography of the land."

Anna Thompson, 1327 Seventh Avenue and a member of ISAC, read and submitted the following statement:

"It is respectfully recommended that the proposed height and bulk limits, 65A, 105-A, and 160-A, on Irving St., the blocks between 15th and 23rd Aves., all be reclassified to 40-X, for the following reasons:

- "1) Buildings constructed under the proposed height and bulk limits would be a high wall of structures on level land within blocks of the hills of Sunset Heights, and thereby repeat the terrible Fontana Apartments experience at the base of Russian Hill, and most important, such a high rise development on flat land would be contrary to the guidelines of the Urban Design Plan.
- "2) High buildings along the ten block corridor would be beyond the scale, and contrary to the existing low density, residential dwelling character of the neighborhood.
- "3) Any buildings developed to the new height limits proposed would obstruct the scenic views of the Golden Gate, Pacific Ocean, Marin County, and Golden Gate Park, now enjoyed by many residents on the hillsides of Sunset Heights.

- "4) High rise structures should not be constructed on or near the boundary of Golden Gate Park.
- "5) Such high and densely populated development would overload existing service facilities and require expansion of municipal service facilities at the expense of all taxpayers.
- "6) The proposed zoning would benefit the absentee developer of high rise densely-populated structures at the expense of the quality of life of residents who live in the neighborhood.
- "7) Additional and particularly dense, congested development along this ten-block corridor would add to the traffic, parking, and other problems already a burden to our fragile neighborhood, particularly a trend to turn our neighborhood into a transit corridor for the entire southwestern section of San Francisco.
- "8) Development under the proposed height and bulk limits would contribute to the demise of one of the last lower and middle income neighborhoods in San Francisco, and further polarize the city into two classes--the very rich and the very poor.
- "9) Although the City Planning Department indicates that the proposed higher height limits would provide modest apartments for senior citizens who have been long-term residents in the Sunset, and who desire to continue to live in the Sunset, although they cannot maintain their homes, this assertion is contrary to the desire and experience of residents of the neighborhood, especially the senior residents. The rezoning, with its consequent inflation of land values, would make it impossible for senior citizens to keep their homes."

John Bardis, 1353 Fourth Avenue, also represented ISAC. He objected to the 200-foot height limit recommended by the staff of the Department of City Planning for the property owned by the University of California Medical Center south of Parnassus Avenue. He felt that three separate height limit zones of 80 feet, 150 feet and 80 feet, moving from west to east, would be more in keeping with the height of buildings presently existing on the site, especially since the taller buildings are located in the center of the area scheduled to have a 200-foot height limit under the recommendation of the staff. If the 200-foot height limit were to be approved for a larger area, he feared that future development would eventually create pressures for increasing height limits on properties adjacent to the land which is now owned by the Medical Center. He remarked that the Medical Center has more than one million square feet of floor area, or almost twice the floor area of the Transamerica Building; and, in view of the fact that the development is concentrated on two blocks in an R-3 area, he felt that it should be obvious that it has been "overbuilt" already. He emphasized that the Medical Center has no access from streets running north and south, thus placing

a heavy traffic burden on Parnassus Avenue; and he noted that Sutro Forest is being denuded and scarred by the massive structures being constructed for the University. He felt that future development on the site should be discouraged; and, for that reason, he urged that the height limits which he had recommended be adopted.

Mrs. Carol Williams, 1465 Fifth Avenue, also spoke on behalf of ISAC. She noted that the staff of the Department of City Planning had recommended height limits of 130-D and 65-D for an area extending from Hillway Avenue to a point mid-way between Third and Fourth Avenue; and she felt that the Commission should change the height limits for that area to the following three categories: 1) 100-D from Hill Point Avenue to a point opposite Arguello Boulevard; 2) 70-D from the point opposite Arguello Boulevard to the mid-point of the block between Second and Third Avenues; and 3) 40-X from the mid-point of the block between Second and Third Avenues to the mid-point of the block between Third and Fourth Avenues. She remarked that both sides of Third Avenue are developed with residential units; and she felt that acquisition of those properties by the University of California Medical Center should be discouraged since housing is needed in the City and since acquisition by the State would remove the properties from the tax rolls.

Michael Murphy, 1344 Fifth Avenue, stated that he, also, is a member of ISAC. He remarked that his neighborhood is an established residential area and a living community; and, for reasons he found difficult to explain, he hoped that the neighborhood could remain unchanged. As a result, he objected to the height limit of 65-A which had been recommended by the staff of the Department of City Planning for the Polytechnic High School site. He remarked that most of the school facing Golden Gate Park and Kezar Stadium has a height of less than 65 feet; and he indicated that the school shops, located on Carl Street, have a height less than 30 feet. Furthermore, he believed that there is "something in the wind" concerning Polytechnic High School for the following reasons: "A. First, there are the phoney wooden scaffolding around the park side of the school; B. Second, there is the proximity of Park Station which has been closed in fact, now waiting to be finalized; C. Third, there are no more renters for Kezar Stadium which now can be conveniently found not earthquake proof; D. Fourth, Gentlemen, you have a central section of 1000' by 2000' ripe for rape or should I say development similar to the Fontana, Jack Tar, Del Webb or some other motel whorehouse complex built in the Texas, Los Angeles architecture complete with plastic flowers." The fear that the Polytechnic High School site might in the future be used for such an undesirable development had led him and ISAC to recommend that the property be designated for open space and that it be incorporated into Golden Gate Park in the future if it is no longer needed by the Board of Education for school purposes.

Don Wudke, 233 Sansome Street, represented the Northern California Chapter of the American Institute of Architects and read and submitted the following prepared statement:

"Throughout the development of the Urban Design Plan, members of the Northern California Chapter of the American Institute of Architects have contributed to its formulation as advisors, consultants and interested citizens. Our chapter publicly endorsed the Plan and supported its adoption as a positive and intelligent approach to planning and regulating the development and growth of our city.

"These Height and Bulk Controls are the first sections of the Plan to be implemented by legislation. Action should begin immediately to implement the other elements of the Urban Design Plan as well. Open space preservation, street vacation policies, neighborhood planning, citywide landscaping programs are equally important parts of the whole. We intend to follow these matters to their successful conclusions.

"The Northern California Chapter of the American Institute of Architects:

- "1. Recommends the adoption of these amendments to the San Francisco Planning Codes for height and bulk controls. It is our opinion that they conform to the intent and principals of design set forth by the Urban Design Plan and establish the framework that will safeguard the form and visual quality of San Francisco.
- "2. The Northern California Chapter of American Institute of Architects recommends that the Planning Commission continue the Planning Staff investigation of the relationship of Height and Bulk Controls to Floor Area Ratio (FAR) bulk controls to resolve the disparities between the two bulk control mechanisms.
- "3. The Northern California Chapter of American Institute of Architects further recommends that the Planning Code be amended to create a Professional Advisory Board to review and report to the commission, independent of the Planning Staff, on those projects and matters which involve design judgment under the Conditional Use Procedures, Discretionary Review and at other times when appropriate.

We firmly believe that such an Advisory Board made up of Representatives of the Professional Design Community is absolutely necessary in the review process when considering matters of design discretion.

"The San Francisco Chapter of the American Institute of Architects will continue its efforts to achieve a rapid implementation of the principles set out in the Urban Design Plan."

James Sargen, 2222 19th Avenue, represented the owner of property located on Warren Drive at Locksley Avenue for which a 40-foot height limit had been recommended by the staff of the Department of City Planning. He advised the Commission that the owners of the property had already designed a project for the site which would rise to a height of 48 or 50 feet; and he indicated that a written argument had been submitted to the Planning Department explaining why they felt that their project should be exempted from the 40-foot height limit. He stated that the property had originally been zoned R-4 to encourage development which would hide the scar made by a former rock quarry; and, since the proposed project would not be as high as the top of the quarry, it would not block any views. While he could not find any fault with the recommendations of the staff in general, he remarked that certain special circumstances sometimes demand special consideration; and he hoped that the height limit of the property to which he had referred would be modified.

Robert LaPointe, campus planner for the University of California Medical Center, stated that he had reviewed the height and bulk proposals of the staff of the Medical Center property, and he regarded those guidelines to be generally acceptable. He advised the Commission that the Medical Center is revising its long range plan in an effort to make it compatible with the Urban Design Plan which has been adopted by the City Planning Commission; and he called on Derek Parker, consulting architect for the University of California Medical Center, to comment on the changes being made in the development plan.

Mr. Parker confirmed that the height and bulk ordinance which had been recommended by the staff of the Department of City Planning seemed to be appropriate for the Medical Center site; and he indicated that those limits would be used as guidelines in the Medical Center's new long range development plan. He stated that he had proposed that the new long range development plan call for an incremental reduction in height from the existing building to the perimeters of the campus, similar to the type of development which has occurred in the Downtown core area. The new development plan would also call for retention of Mt. Sutro in a state of wilderness; and it would propose that no more property be purchased in the area by the University of California. In conclusion, he stated that the staff of the Department of City Planning, as well as residents of the Community, would be asked to participate in the planning process leading to the publication of the new long range development plan for the Medical Center.

Commissioner Porter, remarking that various buildings on the campus of the University of California Medical Center had been designed by different architects, asked if one architect would have responsibility for the design of all new buildings in the future so that the total effect would be more harmonious. Mr. Parker replied in the negative; however, he would not defend the appearance of the existing buildings, and he intended to develop guidelines for future developments covering such factors as height, bulk, and texture. In addition, in a effort to create a more harmonious complex, he would continue to act as consultant to the Medical Center's executive architects.

Thomas F. O'Neill, 233 Claremont Boulevard, asked if the advent of BART or the height and bulk proposals would change the character of the residential district along Claremont Boulevard. President Newman replied in the negative: there would be no change in the existing R-1-D zoning or in the existing 35-foot height limit.

Mr. Felsenstein, 2932 Santiago Street, stated that he had lived in San Francisco for only a short time. He remarked that the general tendency of cities in the United States is to encourage increased population. San Francisco, on the other hand, is losing population; and he felt that any increases in the population would make police work more difficult. He felt that establishment of height limits would discourage speculation and population growth; and, for that reason, he hoped that the proposals of the staff of the Department of City Planning would be adopted.

Byron Bray, 56 Alma Street, represented the Haight-Ashbury Neighborhood Council. With regard to the University of California Medical Center site south of Parnassus Avenue, he supported the recommendation made by ISAC for establishment of three height limit districts of 80-D, 200-D and 80-D, respectively, since such districts would more accurately reflect the height of existing building than would the height limit recommended by the staff of the Department of City Planning. He also shared ISAC's desire that the Polytechnic High School site be used for open space if it is not needed for educational purposes in the future; and, while he felt that there was no need to change the designation of the site as long as it is occupied by Polytechnic High School, he did believe that the property should be designated for open space use if the Board of Education should decide to abandon it in the future.

Joseph Troy, Jr., 1674 - 23rd Avenue, read and submitted the following prepared statement:

"You claim these proposals are '... to regulate and guide future development and safeguard established qualities of the city...' (from Official Notice of City Planning Department). The fault I find with your proposals is that you are taking the initiative away from the resident citizens and are too concerned with the development of the City along traditional lines which will provide a financial return to investors, who are many times outsiders and mainly interested in real estate, and which you hope will also provide additional tax revenue for the City's General Fund. This approach to planning appears to me as a massive real estate operation rather than a place to live. And these two goals can never be successfully pursued at the same time without a breakdown in one. And since the nature of residential living is never real estate speculation the resident citizen suffers from the present automobile congestion, noise pollution, air pollution, water pollution and all the associated problems of urban decay.

"A city government should represent and work for a social organism, if it works only for economic goals life in a city just becomes as Lewis Mumford says '...another aspect of the regimentation of business life.' (SF Examiner April 2, 1967 p 2 col 1-2)

"The choice is economic development or a place to live. The economic development and guidelines you propose are called 'Manhattanization' which is the subversion of land use from residential to commercial - from non-income producing to income producing. And 'Manhattanization' does not produce revenue for the City's General Fund because more and more of the better real estate goes into the ownership of tax-exempt organizations and institutions. In 1969 the San Francisco assessor's office estimated that about 50 percent of the property in the City had exemptions and more were being granted each year (SF Examiner June 1, 1969 p 26 col 1-5; US News and World Report July 28, 1969 p 83). And this fallacy of broadening the tax base is also true of many other American cities - in fact, it has become a critical financial problems (US News and World Report January 13, 1969 p 86).

"My choice is a place to live and the planning of the necessary jobs and facilities for the City's population and not for the whole Bay Area, the State, or the Western United States. The Planning Department should look to Nevada where Governor D. N. O'Callaghan's Environmental Council has adopted a report urging a study of how many people the state can hold, and ways to keep population within those limits. The report says as long as population growth continues unchecked 'it is inherent that our environment will continue on a downward trend.' (SF Examiner February 27, 1972 p 15 col 7-8). (Population of Nevada: 1940 - 110,247, 1950 - 160,083, 1960 - 285,278, and 1970 - 488,738 Information Please Almanac 1968, 1972 editions). Plan suitable jobs for the people living here and not office jobs in high-rise office buildings for outsiders. The office jobs should be moved to where the people live and not concentrated in San Francisco to cause pollution, a high cost of living, and urban decay. Move jobs, not people.

"There already are an excess of office jobs and office buildings here now and I recommend a forty foot height limit for all of San Francisco and/or the lower height of existing buildings. Also, if it is true 50 percent of San Francisco property is tax-exempt I recommend that non-income producing, owner occupied single family residences be tax-exempt.

"In conclusion, I think we are overemphasizing the tourist business and the need for skyscraper office towers which could be built smaller or elsewhere, and will be, if they are needed. These buildings will only block San Francisco's greatest natural asset, its views, and devalue property, and create an earthquake hazard of unparalleled dimensions.

"Not long ago structural engineer Henry J. Degenkolb said, 'Our new buildings are performing more poorly than the old ones... In the Bay Area if an earthquake comparable to 1906 recurs... our failure ... will be failures of 10-story, 20-story or higher buildings of very recent vintage and supposedly designed to meet our earthquake code provisions.' (SF Examiner October 16, 1966 p 29 col 104)"

Bill McManus, representing the Citizens Planning Commission of SPEAK (The Sunset-Parkside Education and Action Committee), submitted the following recommendation for consideration by the Commission:

- "1). Inner Sunset--UCSF property--leave as recommended with no increase in previous height limits prior to Urban Design Plan. (It was noted that the height limits recommended reflected the existing heights on campus.)
- "1A). Lincoln Way between 6th Avenue and Arguello Boulevard--the CPC recommends 40 feet rather than the suggested 65 feet.
- "2). Lincoln Way between 14th and 19th Avenues--the CPC recommends 40 feet rather than the suggested 65 feet. (It was noted that the CPC did not desire the creation of a wall along Lincoln Way obstructing the view of the Park.)
- "3). Irving Street between 14th and 23rd Avenues--although there was no consensus on this area, it was generally agreed that the suggested 160 feet and 105 feet height limits should be lowered.
- "4). Taraval Street between 19th and 32nd Avenues--the CPC felt this should be 65 feet as recommended, the Commission feeling that this might provide an impetus to community improvement.
- "5). Although the Poly High Site is not directly in the Sunset-Parkside area, it was felt that it should be left as open space, or in any event subject to a 40 feet residential height limit."

Mrs. Fifer, 1701 - 22nd Avenue, suggested that some type of display should have been developed by the staff of the Department of City Planning to give members of the public a sense of relative height so that they would better be able to understand the effect of the height limits which were being recommended. She stated that views both to and from Golden Gate Park are extremely important; and she indicated that she had just noticed that the view towards Golden Gate Heights from the park is blocked by a six-story apartment building. If greater heights were to be permitted along the park, she felt that valuable views would be lost; and she wondered if people living in the vicinity of Taraval Street would wish to have taller buildings constructed in that area. She remarked that property taxes are continually increasing; and, since the property owners of San Francisco are paying for the City and it is theirs, she felt that the character and height of the City should be preserved.

Joseph Balanesi, Jr., 924 Taraval Street, represented the Parkside District Improvement Club. He stated that the members of his organization were still reviewing and studying the proposed height and bulk limits; and they hoped to submit oral or written comments to the Commission in the future.

Jean-Anthony DuLac, 1130 Haight Street, represented San Francisco Opposition. He remarked that most of the people who had addressed the Commission had requested that their neighborhoods be preserved; however, in view of what the Commission had already done to the neighborhood on the top of Russian Hill, he felt that people wishing to preserve their neighborhoods would be wiser to sign a petition being circulated by his organization which would place a Charter amendment on the June ballot restricting new developments in all areas of San Francisco except Downtown to a height of 40 feet.

F. W. Mahoney, 96 Sotelo Avenue, objected to the height limits being proposed for the University of California Medical Center property and for properties located along Lincoln Way and Irving Street. Construction to those limits would destroy views from the hills above; and he did not believe that higher construction should be allowed in those areas while adjacent areas would be governed by 40-foot height limits.

Benjamin F. Abington II, 245 St. Charles Avenue, felt that height and bulk limits should be maintained at their present level. During the past ten years, he had seen two things increase in San Francisco: 1) the number of high rise buildings and 2) the taxes on his property; and he was not convinced that construction of more high rise buildings in the City would do anything for him or for the community. He stated that he works near San Jose; and he informed the Commission that many people living in that area wished to return to the City. However, if bulk and height limits were to be increased in the City, thus encouraging a change of character, he questioned whether San Francisco would be able to attract the type of people it wants. During the past ten years, he had seen two things decrease: (1) the number of people living in San Francisco (2) the quality of San Francisco itself. He felt that the only way to reduce the trend would be to lower height and bulk limits throughout the City. In response to a question raised by Commissioner Rueda, Mr. Abington stated that he was primarily concerned about the effect which the proposed height and bulk limits would have on single-family neighborhoods.

A. Scott, 4045 - 19th Avenue, stated that people had fought the Metropolitan development adjacent to Lake Merced in 1946; and, later, they had fought construction of the 13-floor apartment buildings at Stonestown. Both battles had been unsuccessful. He remarked that Chicago already has two of the world's tallest buildings; and he observed that in the race for higher buildings, San Francisco is 100 years behind. He felt that it is impossible to stop progress.

Edward Bielski, 224 Magellan Avenue, stated that his family is fortunate enough to own a house in the Forest Hill neighborhood; however, since the taxes on the property had tripled during the past few years, it was questionable whether they would be able to afford to live in the house much longer. In thinking about the situation, he had become curious as to whether there had been a relationship between recent highrise development in downtown San Francisco and the City's rapidly increasing tax rate; and he feared that if highrise buildings were to be allowed in the Sunset District, he would no longer be able to live in the City.

Despite the high taxes which his family pays on their property, the Forest Hill Association pays for the upkeep of streets and landscaping in the area without any financial assistance from the City. While the height limit recommendations which had been made by the staff of the Department of City Planning were supposedly offered to control height throughout the City, he believed that the overall effect of the proposals would be to allow more height than is permitted at the present time. As a matter of fact, he pointed out that the proposal would allow the issuance of a permit for construction of a 16-story building at 19th Avenue and Irving Street. Mr. Bielski remarked that many City services are being reduced. Police stations are being closed; and the Muni Railway is cutting down on its service. While a school is located only two blocks away from his house, children from the area are being bussed elsewhere. As a result, people are being forced to move out of San Francisco; and he expected that the outward movement would increase with the advent of BART which will make it possible for people to get to Downtown San Francisco quicker from Orinda than from Forest Hill. In conclusion, he stated that it was clear to him that the Urban Design Plan is not a plan for control of the City's growth but rather a blueprint for further development in the future.

Commissioner Porter advised the audience that none of the height limits being recommended for the southwestern portion of the City would constitute an increase over what has been allowed for the past ten years. Lincoln Way, for instance, has been zoned R-4, a district wherein unlimited height is permitted subject only to floor area ratio control; and she pointed out that the greatest height permitted by the staff proposals on Lincoln Way would be 65 feet in two small areas. She urged that members of the audience be specific with regard to the areas in which they agreed or disagreed with the recommendations of the staff.

Mr. Bielski stated that it was his opinion that heights should be restricted to 40 feet in the area.

Peter Christelman, 682 Miramar Avenue, represented San Francisco Tomorrow. He asked the Commissioners if they really felt that the previous speakers would have been so obviously hostile to them if they had liked what the Commission had been doing for the past five or six years in the City. He stated that his organization had sent people out to walk the streets in the subject neighborhood; and they had reported that there are several areas of major concern. The first area of concern was the University of California Medical Center property. While he was pleased about the assurances which had been given by representatives of the Medical Center that residents of the area would be involved in preparation of the new long range development plan, he stated that it would be necessary for him to know how many more highrise buildings could be constructed on the site before he would be able to comment on the height limits which were being proposed. Under the circumstances, he urged the Commission to allow no more construction on the site whatsoever until definitive plans for future development have been prepared in cooperation with residents of the community. A second area of concern was the height limits which had been recommended for Lincoln Way and Irving Street. While the Urban Design Plan had stated that the purpose of highrise buildings on the

perimeter of Golden Gate Park would be definitive, he felt that the buildings would be hideous. He emphasized that people go to Golden Gate Park to get away from buildings; and he felt that it would be undesirable to allow Golden Gate Park to become surrounded with highrise buildings as is the case with Central Park in New York City. While he acknowledged that an increase of height limits on Irving Street might produce some benefits, he pointed out that the street already suffers from serious parking problems. Furthermore, he was opposed to construction of buildings which would block the view down 19th Avenue. Under the circumstances, he felt that heights along Irving Street should be limited to 40 feet. Another area of concern was the height limits which were being recommended for Taraval Street. He stated that the tallest buildings presently existing on the street have a height of approximately 30 feet; and, if buildings to a height of 65 feet were to be allowed, he felt that it was possible that some views from properties up the hill might be blocked. He felt that development in that area, also, should be limited to a height of 40 feet. With regard to the staff recommendation for a 100-foot height limit on Sloat Boulevard, across from the Zoo, he noted that the tallest building in the area at the present time is an apartment house which has a height of less than 40 feet. Construction of buildings of a height of 100 feet in that area would have an effect similar to that of the Parkmerced Project -- tall, ugly and out of character with the area. He felt that a 40-foot height limit would be preferable. Mr. Christelman also objected to the 65-foot height limit which was being recommended for Ocean Avenue. He remarked that Ocean Avenue is already heavily congested with traffic; and he believed that more dense development along the street would only make the situation worse. Furthermore, construction of buildings with a height of 65 feet along Ocean Avenue would cast shadows on the rear yards of adjacent single family residences. Height limits of 80 feet and 160 feet had been recommended for property owned by City College. He remarked that the Mandarin Towers in Chinatown has a height of 160 feet; and he could not imagine that type of construction on the City College site. Even buildings conforming to the 80-foot height limit would block some views. He objected to the 240-foot height limit which had been recommended for the Geneva Car Barn site; and, since that height limit would bear no relationship to buildings presently existing on the site, he wondered what motive the staff of the Department of City Planning might have had in recommending that height for City-owned property. The last area of concern was a portion of the State College site for which a 130-foot height limit had been recommended by the staff of the Department of City Planning. Particularly since the large area is presently developed with only one tall building, he felt that it would be undesirable to allow construction of buildings to a height of 130 feet on the remainder of the site. In conclusion, he stated that his organization would prefer to have a flat 40-foot height limit for the entire area under consideration rather than the height limits which had been recommended by the staff of the Department of City Planning.

Allan Riley, 37 San Jacinto Way, cited numerous references from the Urban Design Plan relating to preservation and conservation; and he expressed concern about the type of developments which are being allowed to interfere with the open space surrounding Lake Merced and about the pollution of the lake itself. Commissioner Finn stated that the plans of both the City Planning Commission and

the Public Utilities Commission call for Lake Merced to be preserved as open space; and he indicated that the Public Utilities Commission intends to preserve the lake as a recreation area as long as possible. With regard to the question of pollution, he noted that Lake Merced has served as a standby reservoir for many years in case of a great emergency and is not used for storage of drinking water; furthermore, if the condition of the lake is poor at the present time, it is the fault of citizens who have abused the privilege of using it.

Mr. Riley stated that he believed that it would be wrong to allow buildings to be constructed on the edges of the existing natural environment; and he feared that the Lake Merced area would become a political football in the future.

William Howe, 2311 - 28th Avenue, stated that he was concerned about the 65-foot height limit which had been recommended by the staff of the Department of City Planning for Taraval Street. He indicated that he presently enjoys a nice view of the Ocean from his home; and he felt that it was possible that taller buildings on Taraval Street might block his view. Furthermore, the traffic situation is dangerous on Taraval Street at the present time because there are too many people in the area; and he urged that properties along the street be subject to a 40-foot height limit to prevent future increases in density. He regarded the staff recommendation for allowing highrise buildings on Irving Street to be incomprehensible; and he did not feel that construction of highrise buildings across the street from the park would be appropriate.

Mrs. John Macauley, 199 Edgewood Avenue, stated that she was concerned about the impact which highrise construction on the University of California Medical Center site might have on the surrounding neighborhood. She stated that it is already extremely difficult for property owners on Edgewood Avenue to get in and out of their garages because of the number of cars parked in the area; and, while she recognized that the Medical Center has to expand, she emphasized that residents of the area want to maintain the residential character of their neighborhood. Under the circumstances, she hoped that the height limits which had been recommended by the staff of the Department of City Planning would be reconsidered.

Edwin Williams, 1465 - 5th Avenue, stated that the proposed dental complex at the University of California Medical Center would be located directly across the street from his house; and he noted that the staff of the Department of City Planning had recommended a height limit of 65 feet for the property located on the east side of 5th Avenue to accommodate the new dental facility. And, while the dental facility would occupy only the northern portion of the block and no plans had yet been announced for the southern half of the block, the entire block frontage had been included in the 65-foot district. Personally, he felt that the height of the block should be limited to 40 feet, thus making construction of the dental facility impossible; and he felt that the facility would increase traffic congestion in the area, encourage the destruction of existing family homes, and destroy views of Mt. Sutro from the west. Living in the shadow of the Medical Center, he regarded his view of Mt. Sutro as a necessity.

The Director emphasized that the eastern part of the block to which Mr. Mr. Williams had referred is presently subject to no height limit whatsoever for institutional uses, while the western part can be built to 75 feet or more; and he wished to make it clear that the height limits which had been recommended by the staff of the Department of City Planning would be more, rather than less, restrictive than present controls.

Mr. Williams stated that residents of the neighborhood would prefer that the block be subject to a 40-foot height limit.

Commissioner Porter stated that she and other members of the Commission had taken a field trip to the subject neighborhood earlier in the day; and she had been disturbed about the impact which large institutions such as the University of California Medical Center have had on adjacent private properties. She was pleased by the assurances which had been given that the Medical Center would work closely with the City Planning Commission and the residents of the neighborhood in the future; and she was confident that the staff of the Department of City Planning would respect the feelings of residents of the area.

Mr. McCormac, 2030 - 16th Avenue, stated that he is a developer and a realtor. He remarked that the purpose of the planning process is to prepare a long range program for the future; and he felt that it was absurd for people to feel that adoption of the height limits being proposed by the staff of the Department of City Planning would result in instant development since most of the areas involved have had less restrictive height limits in the past and still have not been subject to maximum development. In any case, he did not consider six story buildings to be "skyscrapers" or "highrise structures". While he generally agreed with the height limits which had been recommended by the staff of the Department of City Planning, he did feel that a height limit of 160 feet at 19th Avenue and Irving Street would be inappropriate, particularly since buildings rising to such a height would probably have an impact on views from Golden Gate Heights.

Perker Meeks, 272 Thrift Avenue, appeared as President of the Ocean View-Merced Heights-Ingleside (OMI) Improvement Association. He stated that residents of his neighborhood value their views; and, for that reason, they felt that the height limit on Ocean Avenue should be 40 feet rather than 65 feet as recommended by the staff of the Department of City Planning.

James A. Marshall, 218 Judson Avenue, stated that City College keeps taking out parking spaces to construct new buildings; and he wondered if any plans are being made to solve the parking problems in the area. The Director replied that he was not aware of any such plans.

Mr. Marshall stated that most of the residents of the Sunnyside neighborhood were concerned about rumors that all properties within one mile of the BART right-of-way would be subject to redevelopment.

The Director remarked that almost all the people who had spoken had asked that height limits lower than those which had been recommended by the staff of the Department of City Planning be established for certain areas; however, he wished to emphasize that the height limits which had been recommended by the staff of the Department of City Planning for the southwest portion of the City were in all cases the same or lower than height limits which have existed in the past. In fact, many of the height limits which had been recommended were lower than the recommendations in the Urban Design Plan. He stated that the staff of the Department of City Planning would review all of the comments received during the course of the hearing and would respond to the comments in its final report to the Commission.

President Newman stated that since there were no further persons wishing to be heard, this public hearing was adjourned to the meeting of the City Planning Commission on May 25, 1972, at 2:30 p.m. in Room 282, City Hall.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 23, 1972.

The City Planning Commission met pursuant to notice on Thursday, March 23, 1972, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice-President; James J. Finn, Mortimer Fleishhacker, Thomas J. Mellon, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; Dean L. Macris, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Samuel Jung, Planner IV; Marie Carlberg, Planner III; James White - Planner III - Transportation; Beatrice Ryan, Planner III; Emily Hill, Planner II; John Phair, Planner II; and Lynn E. Pio, Secretary.

1:00 P.M. FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to properties scheduled for consideration during the zoning hearing to be held on April 6, 1972.

2:15 P.M., ROOM 282 - CITY HALL

APPROVAL OF MINUTES

It was moved by Commissioner Fleishhacker, seconded by Commissioner Rueda, and carried unanimously that the minutes of the meetings of November 4, 1971, and February 24, 1972, be approved as submitted.

CURRENT MATTERS

Allan B. Jacobs, Director of Planning, reported that he had participated in a NAHRO Conference on rehabilitation in Washington D.C., last weekend; and he advised the Commission that the Federal Government is phasing out rehabilitation programs which have been successful in San Francisco and other Western cities but which have not been so successful in Eastern cities.

The Director reported that the City-wide Comprehensive Plans Committee of the Commission had met on the previous afternoon to review the revised version of the Improvement Plan for Transportation.

The Director informed the Commission that its Regular Meeting scheduled for next Thursday afternoon will be cancelled in view of the second Height and Bulk hearing scheduled that evening at 7:00 P.M. at the Everett Junior High School Auditorium.

The Director advised the Commission that the Police Department had purchased two Bell Helicopters with a federal grant to be used for "Operation Skywatch", a program of air surveillance and emergency readiness. He indicated that the Police Department intended to base the helicopters at Crissy Field in the Presidio; and, in addition, a portion of the Police Pistol Range site at Lake Merced and the rooftop of the Hall of Justice would be designated as emergency landing sites. Under the requirements of State law, an Environmental Impact Statement must be prepared for each of the emergency landing sites and approved by the local agency exercising land use authority, in this case, the City Planning Commission. The City Planning Commission had already approved temporary use of the Police Pistol Range site for use as a helicopter landing area on an emergency bases; and the original plans for the Hall of Justice, which had been reviewed by the Commission, had indicated that the roof of the building could be used as a heliport. The Environmental Impact Statement which had been prepared by the staff of the Department of City Planning and which had been distributed to members of the Commission had concluded that it was unlikely that any adverse environmental effects would result from use of the two sites as helicopter landing areas; and, therefore, he recommended the adoption of a draft resolution which he had prepared which would express the Commission's approval of the environmental impact statement. After discussion, it was moved by Commissioner Finn, seconded by Commissioner Ritchie, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 6823.

R72.5 - SALE OF PROPERTY, PORTION OF LOT 4, BLOCK 5548, AT END OF BONVIEW STREET.

Samuel Jung, Planner IV, reported on this matter as follows:

"During the late 1950's and early '60's, joint studies by the Department of Public Works and the Department of City Planning led to the acquisition of a number of properties adjacent to Bernal Heights Boulevard for slope and view protection. Land acquisition was finally completed in 1967. It was intended that eventually the property, both above and below the boulevard, would be transferred to the Recreation and Park Department from the Department of Public Works. Bernal Heights hill is shown as a park in the Recreation Area and Park Location Plan of the Public Facilities Section of the Master Plan.

"The owner of one of the private properties adjacent to the City-owned land has requested that the City sell him a strip 16 feet wide and 60 feet deep so that he can build a garage next to his house, the last house on Bonview Street, below the southwesterly curve of Bernal Heights Boulevard. The small portion which this owner wishes to acquire is at the bottom of the slope, is fairly level, and is bordered by a stand of eucalyptus trees along the toe of the slope. A revocable permit would have to be issued to drive over City property and probably some kind of wall built to protect the trees.

"This particular piece of property is zoned R-1 rather than P because it was acquired after the adoption of the Public Use zone provisions of the City Planning Code. It is however in the new Open Space district which is a part of the proposed height and bulk amendments to the City Planning Code.

"The sale and private use of the property, although it is small, would constitute an inroad into an area which eventually should come under the jurisdiction of the Recreation and Park Department, but which does not yet have the protection of park status."

Allan B. Jacobs, Director of Planning, recommended that the sale of the subject property be disapproved as in conflict with the Master Plan because it is a part of an area which is designated to become a park and because the sale would be in conflict with objective No. 2 of the Recreation Area and Park Location Plan which calls for the "protection, preservation, and enhancement of areas of natural scenic beauty".

Marvin Banks, the applicant, remarked that the subject property is separated from the rest of the area designated to become a park by a large stand of trees and by a change of elevation ranging from 3 feet to 5 feet. Furthermore, he indicated that the property had been purchased by the City not for development as a park but for slope control for Bernal Heights Boulevard; and he had been advised by the City Engineer's office that sale of the property for the development which he proposed would not endanger the slope.

Commissioner Fleishhacker remarked that a garage would probably not occupy the entire piece of property; and he asked if it would be necessary to grade the property. Mr. Banks replied that he planned to extend his garden onto the portion of the property which would not be occupied by the garage; and he indicated that grading of the site would not be necessary.

Commissioner Fleishhacker then suggested that it might be feasible to erect a minimum structure such as a carport on the site so that the property could be cleared and returned to the City at a later date if a conflict should develop. The Director stated that if that procedure were to be followed, the applicant should seek a revocable permit for use of the property from the City rather than trying to purchase it.

Commissioner Porter asked if the property could be developed with something other than a garage if it were to be sold to the applicant. The Director replied in the affirmative, stating that the applicant could use the property in any way he wished if it were to be sold to him by the City.

Commissioner Porter then remarked that the Commission has been forced to deal with problems which have arisen in cases where the State Division of Highways has sold parcels of land too small for good developments; and she did not feel that the City should commit similar errors.

After further discussion, it was moved by Commissioner Porter, seconded by Commissioner Rueda, and carried unanimously that the Director be authorized to report that the proposed sale of a portion of Lot 4, Block 5548, as shown on SUR-672, is in conflict with the Master Plan because it is a part of an area which is designated to become a park, and because it is in conflict with objective No. 2 of the Recreation Area and Park Location Plan which calls for the "protection, preservation, and enhancement of areas of natural scenic beauty".

R72.6 - VACATION OF GAVEN STREET WEST OF BOWDOIN STREET.

Samuel Jung, Planner IV, reported on this matter as follows:

"Gaven Street west of Bowdoin Street is an unimproved fee street running through a vacant parcel of land to a point on Alemany Boulevard just before it overcrosses Route 280 west of the Alemany interchange. The State Division of Highways has just sold the vacant 1.57 acre parcel to the petitioner for the vacation, the Samoan Assembly of God Church, which plans to build a church on the land. Church use of the site seems better than residential use because much of it is a steep bank. It is zoned R-1.

"In September 1968 the City Planning Commission considered another request for vacation of portions of Gaven Street from a potential subdivider who later gave up his option on the property. The recommendation in that case (R68.47) was that the partial vacation was in conformity with the Master Plan only if the realigned street were not cut through to Alemany Boulevard, but that there should be a pedestrian connection to Alemany. The Department of Public Works felt then, and still does, that vehicular access from this one-way portion of Alemany Boulevard, because of the curve and the speed of the traffic, would be dangerous.

"A second, larger parcel of State Division of Highways land to the west is still unsold. It has serious access problems and Department of City Planning staff is discussing its future use with the District Engineer and his staff. To extend Gaven Street to this property would require a high retaining wall. Depending on the use to be made of this parcel, a pedestrian way through the church property may or may not be required."

Allan B. Jacobs, Director of Planning, recommended that the proposed vacation be approved as in conformity with the Master Plan provided that the petitioner agrees to have no vehicular access from Alemany Boulevard and that a 10-foot wide pedestrian easement through the petitioner's property between Alemany Boulevard and Bowdoin Street is reserved to the City. He indicated that a decision could be made as to whether the City should retain the easement after the use of the vacant State Division of Highway's property to the west is determined.

Mr. U'U, Secretary of the Samoan Assembly of God Church, stated that the conditions which had been recommended by the Director of Planning would be acceptable.

No one else was present to speak in favor of or in opposition to the proposed vacation.

After discussion it was moved by Commissioner Fleishhacker, seconded by Commissioner Ritchie, and carried unanimously that the Director be authorized to report that the proposed vacation of Gaven Street west of Bowdoin Street, as shown on SUR-1172, is in conformity with the Master Plan provided that the petitioner agrees to have no vehicular access from Alemany Boulevard and further provided that a 10-foot wide pedestrian easement through the petitioner's property between Alemany Blvd. and Bowdoin Street is reserved to the City.

R72.7 - VACATION OF MINNESOTA STREET BETWEEN MARIN AND TULARE STREETS.

Samuel Jung, Planner IV, stated that the Port Commission had purchased two vacant lots on the north side of Islais Creek Channel, Block 4379 and 4380. The land acquisition was reviewed by the City Planning Commission in November, 1971 (R71.51) and found to be in conformity with the Master Plan. The Port Commission was now requesting that the intervening street, having a width of 80 feet and a length of 346 feet, be vacated. The underlying fee is owned by the City, subject to the jurisdiction of the Port Commission. Mr. Jung stated that Minnesota Street in this area had never been improved; and, since it is only one block long, it would serve no traffic purpose, especially since it does not go through to Army Street. Marin Street, on the north end of the proposed vacation, is unimproved; and Tulare Street on the south is under water. The two block site, along with the vacated portion of Minnesota Street, would be developed as a part of the Islais Creek LASH facility, scheduled to be constructed within five years.

Allan B. Jacobs, Director of Planning, recommended that the vacation of the subject portion of Minnesota Street be approved as in conformity with the Master Plan.

Harry Thieman, property manager for the Port Commission, stated that the State of California had previously sold a great deal of waterfront property when it had jurisdiction over the Port; and, since the Port is in desperate need for additional waterfront property, it has slowly been buying back some of the land which had previously been sold by the State. He stated that the subject property would be used in conjunction with the new LASH terminal; and he urged that the application for vacation of the subject portion of Minnesota Street be approved.

No one else was present in the audience to speak in favor of or in opposition to the subject application.

After discussion it was moved by Commissioner Rueda, seconded by Commissioner Mellon, and carried unanimously that the Director be authorized to report that the vacation of Minnesota Street between Marin and Tulare Streets is in conformity with the Master Plan.

DISCRETIONARY REVIEW OF BUILDING APPLICATION #394911 FOR A 23 UNIT BUILDING ON THE NORTHWEST CORNER OF STANYAN STREET AND PARNASSUS AVENUE.

(UNDER ADVISEMENT FROM MEETING OF FEBRUARY 24, 1972)

Robert Passmore, Planner V (Zoning), brought the Commission up to date on this matter as follows:

"On February 24 the Commission reviewed under its discretionary powers a proposal for a 23-unit apartment house on the northwest corner of Parnassus and Stanyan at the request of owners and residents of property in this vicinity. The major concerns expressed were high density, traffic hazards, lack of curb space, bulk and architectural character of building including continuous building overhang of sidewalk, landscaping, and lack of usable open space.

"The applicant stated a willingness to redesign portions of the building to comply with the modifications to the plans listed below that staff stated would make the plans acceptable to staff. For this reason the matter was continued today. The modifications requested by staff were:

- "1. Break up the massiveness of both street facades of the building by creating individual small projection bays having ample window area in all sides of the bay.
- "2. Rearrangement of parking spaces to provide additional on-street parking area and to provide adequate space for street tree planting.
- "3. Provision of street trees and low-level planting to further conceal the massiveness of the subject building and to provide a transition to smaller scale adjacent buildings.
- "4. Development of garage roof area as usable open space.

"The applicant has made plan modifications with regard to all four points. The revised plans have been reviewed by representatives of the neighborhoods. The plans have not been changed in density and still require use of the rear yard and coverage variances granted by the Board of Permit Appeals. The modifications also include means to provide light to the interior corridor provided this building."

Allan B. Jacobs, Director of Planning, observed that very significant changes had been made in the plans to meet the concerns of the staff of the Department of City Planning, the Commission, and residents of the community; and he recommended that the plans be approved subject to the condition that no permit of occupancy be issued for the building until after the development has been inspected by the Department of City Planning and found to be in general conformity with the architectural character and landscaping shown on the plans which had been submitted.

George Choppelas, attorney for the applicant, stated that his client was pleased with the changes which had been made in the plans. He also indicated that Mr. Parish, a neighboring property owner, had come to the meeting to speak in favor of the proposed development.

Mr. Parish, 220 Parnassus Avenue, stated that the proposed building would block light and sun which he presently enjoys; however, he felt that the building would be far preferable to the existing vacant lot which is nothing but a "garbage dump".

Calvin Welch, Corresponding Secretary for the Haight-Ashbury Neighborhood Council, stated that the most objectional feature about the proposed building was its density; however, he acknowledged that the permit application had been filed before the Commission had unanimously approved an application for rezoning properties in the neighborhood to a lower density. While the members of his organization were still not happy about the proposed building, believing that it would add to the problems of the neighborhood, they were appreciative of the efforts of the staff of the Department of City Planning which had resulted in some changes which would make the building more acceptable. He hoped that the street trees depicted in the rendering of the proposed project would actually be planted; and, if possible, he hoped that the trees would be larger than those shown on the rendering.

Commissioner Porter agreed that trees are important; and she asked Mr. Welch if the Haight-Ashbury Neighborhood Council has made any effort to stimulate a major tree planting program in the neighborhood. Mr. Welch replied that a massive street tree planting effort had been organized and carried out in the neighborhood last summer.

Mrs. Mary Mullins, 1049 Stanyan Street, stated that Byron Bray, President of the Haight-Ashbury Neighborhood Council, wished to convey his appreciation to the staff of the Department of City Planning for their professional attempts to produce a more acceptable exterior treatment for the proposed building. She stated that she was disappointed that neither the density nor the coverage of the proposed building had been reduced; however, she felt that the building would be improved by the changes which had been made.

Mrs. Arthur Bierman, 1528 Shrader Street, questioned whether the street trees shown in the rendering could legally be installed in the sidewalk area. She stated that she had been allowed to have only one street tree in front of property which she owns on 22nd Street near Castro whereas she had requested permission for two trees.

The Director stated that permission for the planting of street trees is usually easy to obtain unless particular problems exist in a given case; and he did not anticipate that any problems would be posed by the street trees called for in the revised plans.

Commissioner Ritchie remarked that he had been opposed to the proposed building when it had first been brought before the Commission; and, since he did not feel that the superficial changes which were reflected in the new rendering were sufficient to alter the basic character of the building, he intended to cast his vote in opposition to the building.

After further discussion, it was moved by Commissioner Rueda, seconded by Commissioner Fleishhacker, and carried six to one that Resolution No. 6824 be adopted and that the permit application be approved on the condition that no permit of occupancy be issued for the building until after the development has been inspected by the Department of City Planning and found to be in general conformity with the architectural character and landscaping shown on the revised plans which had been submitted.

R71.46 - LEASE OF PROPERTY: GEARY-PRESIDIO CAR BARN AND BUS YARD,
BLOCK 1072, LOT 1
(UNDER ADVISEMENT FROM MEETINGS OF DECEMBER 2, 1971 AND
MARCH 2, 1972)

ZM71.24 - PRESIDIO YARD: BLOCK BOUNDED BY PRESIDIO AVENUE, EUCLID
AVENUE, MASONIC AVENUE, AND GEARY BOULEVARD.
(P TO A C-2 DISTRICT)
(UNDER ADVISEMENT FROM MEETING OF DECEMBER 2, 1971, AND
MARCH 2, 1972)

Robert Passmore, Planner V (Zoning), summarized, as follows the various alternative actions which the Commission could take regarding the item under consideration:

- "1. Find property not surplus to City's needs at this time because site may be required for future Muni expansion as result of recommendations resulting from transit studies that will not be completed for several years.
 - "a) Commission take referral under advisement until after completion of transit studies (approx. 2 years) and then take final action.
 - "b) Request for reclassification should be taken under advisement.
- "2. a) Find only Southern third of site surplus - remainder not surplus at this time. To conform to Master Plan objectives, private development should be encouraged to include residential uses, probably occupancy by elderly or non-children households would be most appropriated and those types of households could be located in a high-rise building. Any retail commercial uses should be limited to the ground floor, non-retail commercial uses could be on upper floors. 15 to 20% of any residential uses should be Section 236 or equivalent housing.

Additionally design terms of reference are recommended to limit coverage of any high-rise element and to assure design compatibility with surrounding area.

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...
...the ... of ...

"b) Reclassify southern portion of site to C-2 and take under advisement reclassification request for remainder of site.

"3. a) Find entire property surplus. To conform with Master Plan objectives private use of the site should be restricted as follows:

(1) Southern third of site (South of Post Street). Private development should be encouraged to include residential uses, probably occupancy by elderly or non-children households would be most appropriated and those types of households could be located in a high-rise building. Any retail commercial uses should be limited to the ground floor, non-retail commercial uses should be on upper floors. 15 to 20% of any residential uses should be Section 236 or equivalent housing.

(2) Northern two-thirds of site (North of Post Street) residential uses designed primarily for families, no commercial uses. 15 to 20% of residential should be Section 236 or equivalent housing.

Additionally to conform to Master Plan Objectives urban design terms of reference recommended.

b) Reclassify southern third of site C-2 and northern 2/3 of site to R-3.

This action would allow a planned unit development to allow some flexibility in measurement of height, in number of floors of residential occupancy and number of dwelling units.

Review of developments plans by Commission would be required as a condition of the advertising of land for private development.

"4. a) Find entire site surplus, but to conform to Master Plan Policies major emphasis should be given to development of residential use designed both for families and elderly or non-children households. (15 to 20% 236 or equivalent). Any retail use be limited in floor area and for the primary purpose of serving needs of residents in subject vicinity, such retail uses should not need regional patronage to be economically viable. Other non-retail commercial uses could be acceptable to the extent compatible with residential development of site. Urban design terms to assure compatibility development with surrounding development.

b) Reclassify to C-2.

- c) City Planning Commission control of site through review of bidders proposals for conformity to above prior to acceptance by Board of Supervisors for bids and prior to final reclassification. Additional control through use of discretionary review power at site permit stage of development.
- d) A planned unit development approach could not be used unless (1) Developer asked for it or (2) Planning Code amended to require mandatory Planned Unit Development review of large sites.

In conclusion, Mr. Passmore stated that the possibility of reclassification of a portion of the site to R-3 had not been included in the official advertisement of the Commission's hearing. Thus, if the Commission wished to consider that approach, a new hearing would have to be scheduled and held.

Allan B. Jacobs, Director of Planning, recommended that the Commission find the property not surplus to the City's needs at this time because the site may be required for future transit expansion which may result from recommendations forthcoming from transit studies which will not be completed for several years.

Commissioner Ritchie inquired about the present zoning of properties located to the south and west of the subject site. The Director replied that those properties are now zoned C-2.

Commissioner Ritchie then asked if the Commission would be in a position to exercise control over subsequent development of the subject site if it were to be reclassified to C-2. The Director replied that the Commission could exercise its right of discretionary review over any project proposed for the site; however, since such decisions may be appealed to the Board of Permit Appeals, the Commission's control over the project would not be terribly strong.

Commissioner Ritchie asked if any specific schemes for development of the site had been prepared. The Director replied that various schemes had been discussed; however, no definite plans for development had been prepared. In any case, since rezoning of the property had not yet been approved by the Commission or by the Board of Supervisors, any specific proposal for development of the site would be premature.

Commissioner Porter, referring to the recommendation which had been made by the Director, asked how the City Planning Commission could take the position that the subject property is not surplus to the needs of the Public Utilities Commission after that Commission had already acted to determine that the property is surplus to its needs. The Director replied that the Charter specifies that all proposals for sale or lease of City-owned properties must come before the Commission for a determination as to whether the sale or lease is in conformity with the Master Plan. The Commission's opinion is advisory to the Board of Supervisors which makes the final decision as to whether or not the property is surplus to the City's needs.

Commissioner Finn pointed out that there is a fine line of distinction between the right which the City Planning Commission does not have, that of determining whether property owned by another department is surplus to that department's needs, and the right which the Commission does have to determine whether the sale or lease or a surplus parcel of property is in conformity with the Master Plan.

The Director stated that it was his recommendation to the Commission that lease of the subject property be found in conflict with the Master Plan because the site may be needed in the future in connection with expanded bus service which might result from transportation studies now underway.

Commissioner Fleishhacker stated that it was not completely clear to him just what had been declared surplus by the Public Utilities Commission. Apparently, both land and air rights on the southern portion of the site had been declared surplus. In addition, air rights above a height of 15 feet had been declared surplus for the northern portion of the site. Yet, it was obvious that some surface and subsurface rights on the northern portion of the property would have to be declared surplus, also, to allow for the columns which would have to be constructed to support the proposed platform.

The Director confirmed that some surface and subsurface rights on the northern portion of the site would have to be declared surplus to permit construction of the columns. He advised the Commission that the Master Plan provides that properties should be sold or leased only when it has been determined that there is no present or future need for the properties for public purposes; and, in view of the fact that major transportation studies are being undertaken which might result in recommendations pertinent to use of the subject site, he could not reach the conclusion that the property will not be needed in the future for public purposes or that its lease should be approved as in conformity with the Master Plan. Furthermore, even when a determination can be made that property is surplus to the extent that it is not and will not be needed by any City departments, the Master Plan provides other priority guidelines for such properties to meet other public needs including, for instance, residential development. Only when a determination has been made that no public purpose whatsoever could be served by retention of the property should sale or lease be authorized.

Commissioner Rueda asked who determines whether there is a need for retaining the properties to fulfill a public purpose. The Director replied that the determination is made by the City Planning Commission; and its advisory opinion is transmitted to the Board of Supervisors which makes the final decision.

Commissioner Finn stated that the basic determination of whether a given parcel of property should be declared surplus is made by the department having jurisdiction over the property; and he emphasized that the Public Utilities Commission had determined that certain ground- and air-rights on the subject site are surplus to its needs. He remarked that the transportation studies which had been mentioned by the Director of Planning will not be completed for at least two years; and, in any case, it seemed impossible to him that those studies, regardless of their outcome, would have any effect on the Municipal Railway's use of or need for the subject property.

Commissioner Fleishhacker asked what percentage of the surface and subsurface rights on the northern portion of the property had been declared surplus by the Public Utilities Commission. Commissioner Finn estimated that 10 or 15 percent of the surface of the site would be needed for construction of the columns which would support the platform which would be constructed over the site.

Commissioner Fleishhacker then asked about the point above which the air rights had been declared surplus. Commissioner Finn replied that air rights above a point approximately 15 feet from the surface had been declared surplus.

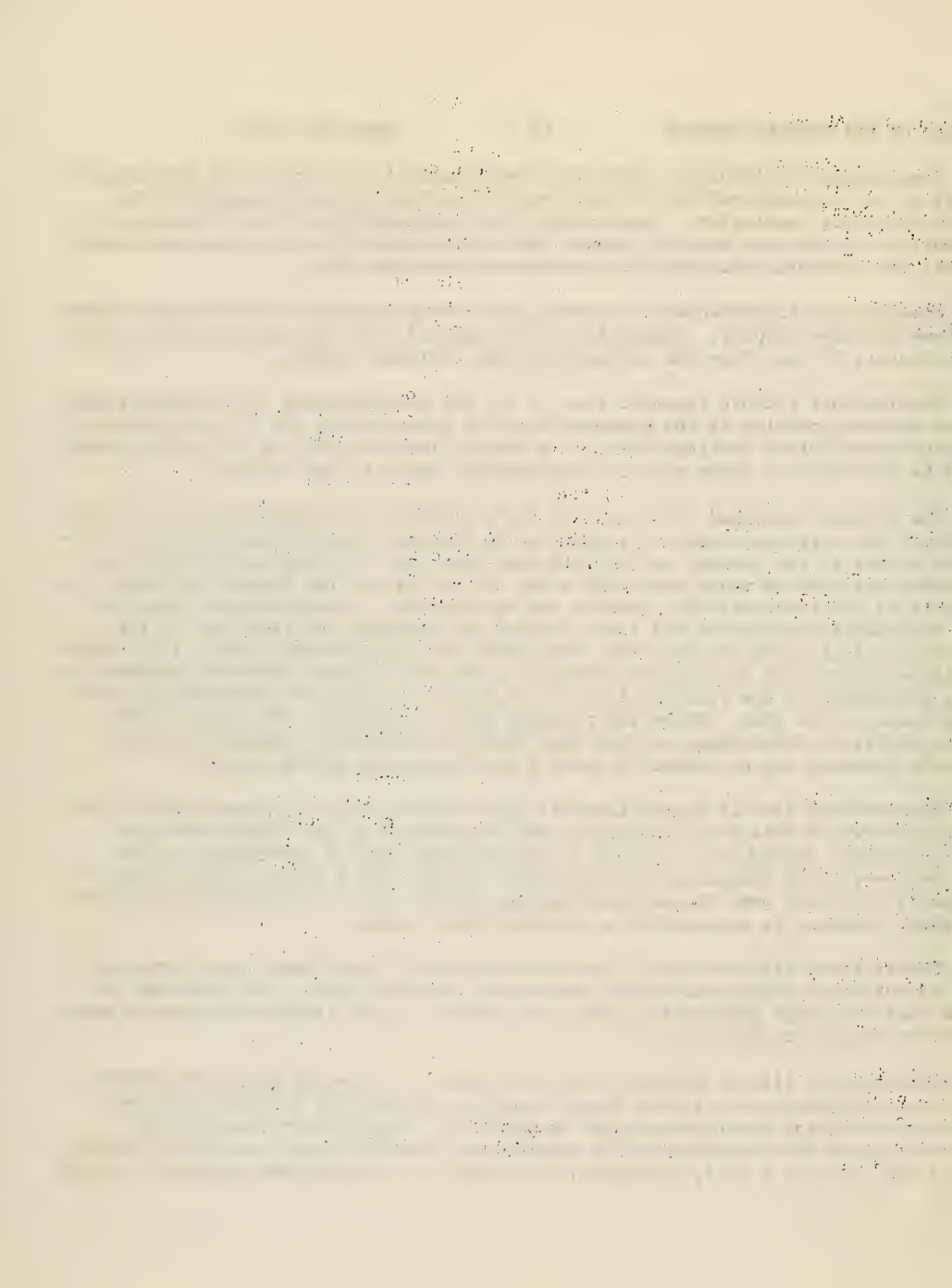
Commissioner Ritchie remarked that it was his understanding that surface rights on the northern portion of the property would be granted only for the construction of columns and column footings; and, as a result, the remainder of the surface would still be available to serve public transportation needs in the future.

The Director remarked that lease of the air rights and construction of a platform over the site would make it impossible to develop an additional level for storage of busses in the future; and he felt that there was a strong possibility that increased bus service would make such a use of the site in the future desirable. As a result of the transportation studies now in progress, a recommendation might be made to establish exclusive bus lanes through the Richmond Corridor; and he felt that the logical place to store the buses would be on the subject site. If a subway should be constructed through the corridor, a feeder bus system might be designed to bring passengers to the transit station; and, if so, it might be necessary to store those buses on the site. While the property may be surplus to the needs of the Public Utilities Commission, he felt that there was sufficient reason to believe that the property may be needed to serve a public purpose in the future.

Commissioner Ritchie stated that his major concern was the preservation of the easterly views of Anza Vista residents; and he wondered if the Commission would have sufficient control in the future to require that any C-2 development on the site be low-rise in character. The Director replied that a 40-foot height limit is presently in effect over the northern portion of the site. The southern portion of the site, however, is governed by a 240-foot height limit.

Commissioner Ritchie asked if the present height limits would allow construction of buildings which would block some views from Anza Vista. The Director replied that buildings constructed under the existing height limits might have a minor effect on views from Anza Vista.

Commissioner Ritchie doubted that construction of low-rise residential buildings on a platform north of Post Street would be economically feasible; however, low-rise commercial development might be possible. The Director observed that neither type of development might be economically feasible under the 40-foot height limit; and, in such a case, the Commission might get pressures for raising the height limit.



President Newman asked what Urban Design guidelines would be recommended by the staff for any development proposed for the site. The Director replied that he would recommend that any development on the northern portion of the site have a maximum height of 40 feet with no bulk restrictions. Development on the portion of the property south of Post Street would have a maximum height of 240 feet with bulk controls which would assure a slender tower arrangement. He stated that such controls are presently in effect as a result of the Commission's notice of intention to consider height and bulk proposals for all sections of the City.

Commissioner Ritchie asked if any definite plans for development of the site had been proposed. The Director replied that several schemes had been discussed; however, to his knowledge, no specific plan was being considered.

Commissioner Ritchie then asked if he were correct in understanding that the zoning matter had come before the Commission for determination so that specific proposals could be accepted for consideration. The Director replied in the affirmative.

After further discussion it was moved by Commissioner Rueda and seconded by Commissioner Mellon that the property be declared surplus.

Commissioner Finn entered a substitute motion to approve the Public Utilities Commission's declaration of the property as surplus as being in conformity with the Master Plan.

Commissioner Fleishhacker questioned whether it was proper for the Commission to take action on the proposal without hearing from people who were present in the audience.

At the request of President Newman, Commissioners Rueda and Mellon withdrew their motion and second to enable the Commission to hear from members of the audience.

President Newman asked Mr. Passmore to explain the method which would be used to measure the height limits on the subject site. Mr. Passmore explained that buildings constructed on the western half of the portion of the subject site north of Post Street would have to fit within a horizontal plane set 40 feet above the curb level of Masonic Avenue, but stepping down Masonic Avenue in keeping with the grade of that street. Buildings on the eastern half of the subject parcel north of Post Street would have to fit within a plane 40 feet above the curb level of Presidio Avenue. The height of buildings on the portion of the subject parcel south of Post Street could not exceed a height of 240 feet above the curb level of the adjacent street at the centerline of each proposed building.

Wallace Wortman, Director of Property for the City and County of San Francisco, requested that the Commission classify the entire parcel of property to C-2 so that he would be able to go to the Board of Supervisors for an ordinance authorizing him to accept 50-year lease bids for review. He confirmed that the proposal was to lease the air rights on the northern portion of the property above a height of approximately 18 feet. He stated that columns would be constructed on 50-foot centers to support the platform which will have to be constructed over the bus yards; and he informed the Commission that the Municipal Railway was satisfied that construction

of the columns and platform could be accomplished in a way which would not interfere with that department's use of the property. He understood that the southern portion of the site would be subject to a 240-foot height limit and that the northern portion of the site would be subject to a 40-foot height limit based on the crest of Masonic Avenue; however, he had not been aware that the project would have to be "stepped-down" as described by Mr. Passmore.

The Director stated that the "stepping down" requirement is a part of the City-wide height and bulk ordinance being considered by the Commission and presently in effect.

Commissioner Porter advised Mr. Wortman that the interim height and bulk controls will remain in effect until such time as they are amended or adopted by the City Planning Commission or rejected by the Board of Supervisors.

Mr. Wortman stated that any private developer handling the proposed project would have already been "off and running"; however, because the property is City-owned, he had to follow a slow procedural process involving many restraints and many checks and balances. If the application for reclassification of the property to C-2 were to be approved by the Commission, a public hearing would then have to be held before the Board of Supervisors. Subsequently, his department would put together a bid package which would then have to be accepted by the Public Utilities Commission following a public hearing. Following those actions, the Board of Supervisors would have to adopt another ordinance authorizing the Real Estate Department to call for bids. That ordinance would have to be approved by the Mayor and the bids would have to be advertised. After the bids had been received, they would be analyzed by the Real Estate Department, working with the staff of the Department of City Planning and other City agencies. Finally, a bid would have to be accepted by the Public Utilities Commission and the Board of Supervisors. Should the accepted proposal conflict in any way with the City Planning Code, a conditional use application would have to be filed with the City Planning Commission; and a two-thirds vote of the Board of Supervisors would be required to overrule the Commission's action on that application. In view of the time-consuming procedures involved, he urged that the subject application be approved by the Commission as soon as possible.

Commissioner Ritchie, noting that Mr. Wortman had remarked that any private developer handling the project would already have been "off and running", asked if there were definite plans under consideration for development of the site. Mr. Wortman replied in the negative and indicated that he had meant to suggest only that he could have proceeded with negotiations for development of the site much quicker if he had been operating as a private citizen. He pointed out that a very complex piece of property is involved; and the restrictions pertaining to any development proposed for the site are very significant. An extensive platform must be constructed above the site; and construction of the platform must not interfere with bus operations on the property. The developer must provide 50,000 square feet of office space for the Municipal Railway to replace the existing office building; and the criteria of the Department of City Planning would have to be observed. He stated

that all of the real estate people with whom he had conferred were convinced that it would not be financially feasible to satisfy all of the restrictions involved unless the entire site were reclassified to C-2. He had also talked with prospective developers; and he indicated that his reason for doing so had been to convince the staff of the Department of City Planning that their recommendations for the site were so restrictive that they would completely discourage any bids by private developers.

Commissioner Ritchie asked if any serious proposals had been made which would include residential development. Mr. Wortman replied that two serious proposals had been made, one calling for commercial development of the entire site and the other calling for commercial development for the most part but with some residential development.

Commissioner Ritchie asked if both of the serious proposals had involved construction of 50,000 square feet of office space for the Municipal Railway. Mr. Wortman replied in the affirmative.

Commissioner Ritchie asked if the proposals had called for a shopping center-type of development. Mr. Wortman replied that one of the proposals had been based on that sort of development. In response to a further question raised by Commissioner Ritchie, Mr. Wortman stated that the shopping center proposed would be regional in character rather than neighborhood-oriented.

Continuing with his presentation, Mr. Wortman advised the Commission that he had requested the Traffic Engineering Bureau of the Department of Public Works to give consideration to the maximum development which might be permitted on the site and to determine whether they would be able to live with such a development; and the conclusion which the traffic engineers had reached was that streets in the area could handle the traffic which would be generated by a regional shopping center complex after the Geary Boulevard underpass has been completed.

Commissioner Fleishhacker asked if a copy of the traffic engineer's report had been made available to the staff of the Department of City Planning. Mr. Wortman replied in the negative.

With regard to the issue of view protection, Mr. Wortman displayed a photograph of eight properties fronting on Lupine Avenue with a line drawn on it to illustrate the effect which construction to a height of 40 feet on the subject site would have on the views presently enjoyed from those properties. He observed that views would be blocked from basement and street-level floors of buildings located on Lupine Avenue; however, the views from at least one floor of each of the buildings would be preserved. In his opinion, establishment of a requirement to protect the views from every level of buildings on Lupine Avenue would be carrying view protection too far.

Commissioner Ritchie asked if Mr. Wortman's calculations had taken into consideration the fact that elevator penthouses and mechanical housings may rise 10 feet above the established height limit. Mr. Wortman replied in the negative.

Commissioner Rueda pointed out that such structures would be built only in certain areas and would not cover the entire roof of the development.

Mr. Wortman stated that he had also analyzed the effect which construction of a regional shopping center on the subject site might have on existing commercial enterprises in Laurel Village, along the Geary Strip, and on Divisadero Street. He stated that Laurel Village contains 23 commercial properties zoned by 19 individuals. He had concluded that eight of the retail outlets in that area might be affected by a regional shopping center on the subject site; however, the remainder, which specialize in neighborhood services, would not be affected. Along the Geary Strip, from Arguello Boulevard to Masonic Avenue, most of the commercial establishments are primarily neighborhood-oriented or "automobile row" types of uses; and he did not feel that they would be affected by construction of a regional shopping center on the subject site. Along Divisadero Street, the commercial establishments deal in antiques or second hand goods; and he had concluded that they would not be affected by the advent of a regional shopping center. He remarked that one of the great attractions of the subject site is its proximity to the adjacent Sears Roebuck Store which has the highest volume of sales of any Sears outlet in Northern California; and he felt that it would be logical to develop a related use on the subject site.

Commissioner Finn asked Mr. Wortman if he had investigated the possibility of developing the site with market-rate housing as an alternative to commercial development. Mr. Wortman replied that he had looked into the possibility of constructing lower-priced housing on the site; however, the 18 to 20 dollar per square foot cost for construction of the platform as well as the 25 dollar per square land value of the property fronting on Geary Boulevard would render such development financially unfeasible. He had also looked into possible combination of lower-cost housing and luxury housing; but everyone he had consulted had been convinced that the two could not be combined successfully and that no bids would be received for such a project.

Commissioner Finn asked if there were a possibility that development of the entire site with luxury housing would be feasible. Mr. Wortman replied that all of the developers with whom he had talked had insisted that they would have to have C-2 zoning in order to produce and economically feasible development.

President Newman remarked that the City is spending \$26 million to improve Market Street; and he noted that the Downtown retail district and the Market Street merchants are the two groups which paid the largest share of taxes in San Francisco. He wondered how much retail space could be developed on the subject site and if such development would have a detrimental effect on downtown retailers.

Mr. Wortman replied that the specifications would contain a requirement for a study of each development being proposed to determine its impact on other retailing operations in the neighborhood as well as in the Downtown district. He remarked that Downtown San Francisco does not have a family-oriented store with adequate parking; and he felt that it would be desirable to provide such a facility on the subject site

Commissioner Ritchie asked if Mr. Wortman hoped to attract stores such as J. C. Penny's to the subject site. Mr. Wortman replied in the affirmative and indicated that he was hopeful that the proposed development would discourage moderate-income families living in San Francisco from driving down the Peninsula to do their shopping. In reply to future questions raised by Commissioner Ritchie, Mr. Wortman stated that the amount of retail floor space to be constructed on the site would probably not exceed 300,000 square feet; and, in addition, an office building might be constructed on the Geary Boulevard frontage. He indicated that the site itself contains approximately 173,395 square feet of lot area.

President Newman, noting that Mr. Wortman had provided the Commission with some estimate of the revenue which the City might receive from the site during the hearing on December 2, 1971, asked if he could offer the Commission any more refined figures at the present time. Mr. Wortman replied in the negative but indicated that the annual revenue from the lease would probably be less than the \$100,000 figure which he had cited during the previous hearing.

Commissioner Fleishhacker suggested that it would probably be preferable to undertake impact studies of the regional shopping center on retailing operations in Downtown San Francisco and in the subject neighborhood before going out to bid. He pointed out that it might be difficult to discourage a development which might have a detrimental effect on Downtown if the bid for that project had already been accepted. Mr. Wortman replied that the results of the impact studies would be made available before the Board of Supervisors takes final action on the best bid; and he indicated that the City reserves the right to reject a bid at any time.

Commissioner Mellon remarked that several different types of proposals might be made, each of which would have a different effect on Downtown; and he felt that it would be better to have a separate impact study for each rather than a generalized impact study which might not take all possible factors into consideration.

Mr. Wortman stated that each developer bidding would be required to submit an impact study related to his specific proposal; and, if the results of a given impact study were undesirable, he doubted that the developer would wish to proceed with the project.

John Jacobs, Executive Director of the San Francisco Planning and Urban Renewal Association, stated that he was surprised that the subject application had not already been withdrawn since he had talked to a number of City officials who had displayed a remarkable lack of enthusiasm about the program. While Mr. Wortman had indicated that the Traffic Engineering Bureau of the Department of Public Works had stated that they could "live with" the traffic which would be generated by a regional shopping center, he pointed out that residents of the subject neighborhood and not the Traffic Engineering Bureau of the Department of Public Works, would have to live with the traffic; and he emphasized that the Urban Design Plan had stressed that traffic can have a detrimental effect on the quality of the City. He agreed with Commissioner Fleishhacker that economic impact studies should be made immediately rather than at a later date; and if the City does not have sufficient money for the study, he felt that action on the request for rezoning should be postponed.

until the money can be made available. He believed that it would be important for the City to undertake the study itself rather than relying on private developers to do so since it was extremely unlikely that any developer would submit an economic impact study which would be prejudicial to his proposal. He stated that he had the feeling that no one was really taking the proposed development very seriously; and, as a case in point, he noted that the Public Utilities Commission had acted on February 22 to approve a \$46,424 contract for conversion of space in the building fronting on Geary Boulevard for office use. He emphasized that the City would lose that money if the building were to be demolished to make way for the new project. If he were representing the Redevelopment Agency, he believed that he would support the proposed project in the hopes that the Agency would be called in at a later date to rehabilitate the commercial areas along Polk Street or Clement Street. However, since he did not represent the Redevelopment Agency, he cautioned the Commission that it would be very imprudent to approve C-2 zoning for the subject site without having an over-all understanding of the consequences of that action.

William Rosso, representing the Redevelopment Agency, reminded the Commission that his Agency is involved in a costly and ambitious program in Western Addition Project Areas A-1 and A-2; and he noted that a major commercial center to be known as the "Fillmore Center" had been reflected in the final plan for project area A-2 which had been approved by the City Planning Commission. He stated that 6,000 new housing units are being constructed in the vicinity of the proposed Fillmore Center; and, in order to turn the area into a viable community, a viable new commercial center must be constructed. Plans for the project call for approximately 200,000 square feet of retail space, 200 units of market rate housing, 200 units of low and moderate income housing, 100 units of public housing, an Afro-American Cultural Center, a hotel, office space and a parking facility. The project would cost between \$20 million and \$40 million, and it would be the focus for the economic renewal of the Western Addition. In addition, the project would provide an ethnic community with an opportunity to practice entrepreneurship; and it would provide numerous construction and on-going jobs. The Fillmore Center had not been envisioned as a neighborhood service center but rather as a shopping center which would have regional importance and perhaps even national importance as one of the few regional black shopping centers in the country. He believed that reclassification of the property owned by the Municipal Railway to C-2 could result in the construction of a commercial center of a magnitude which would be in direct competition with the Fillmore Center, thus undermining the work of his Agency; and he felt that a more appropriate use of the subject site would be to emphasize housing with some accessory office and commercial uses. He stated that the backers of the Fillmore Center are presently reassessing their ability to go forward because of the impossibility of obtaining either financing or tenants as long as the threat exists that a competing shopping center will be constructed on the car barn site. As a result, he hoped for an immediate decision on the subject application; and he hoped that the action taken by the Commission would be to disapprove the proposed reclassification. In addition to being a service center, the Fillmore Center was envisioned as a symbol of development; and it was hoped that the Fillmore Center would encourage higher income bracket residents to settle in the Western Addition. Yet, if the City Planning Commission were to act favorably on the request for reclassification of the subject property

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

187

to C-2, the staff of the Redevelopment Agency was prepared to reassess the Fillmore Center project and might recommend that a "strip" shopping center be developed instead to cater only to the needs of residents of the immediate neighborhood.

Commissioner Porter asked if the large Fillmore Center development would have to conform to the guidelines of the Urban Design Plan. Mr. Rosso replied that the Fillmore Center would conform to the height and bulk controls now in effect. Other redevelopment projects which might conflict with the interim height and bulk controls would be exempted from those controls if contracts had been executed prior to the time that the interim controls went into effect; however, in all other cases the Redevelopment Agency intended to cooperate wholeheartedly with the height and bulk controls.

Commissioner Fleishhacker asked if the Redevelopment Agency already owns the land on which the Fillmore Center is to be constructed. Mr. Rosso replied that the Redevelopment Agency owns most of the land and that it has offered all of it to the proposed developers.

Commissioner Fleishhacker remarked that development of the car barn site had been proposed to provide revenue for the City; and he wondered if the development would actually have the opposite effect by having a detrimental financial effect on the Redevelopment Agency, another branch of the City Government. Mr. Rosso replied that the proposed development would have a significant financial impact on the Redevelopment Agency in many ways. If property in the Western Addition could be sold for market-rate housing and for a regional shopping center, the Redevelopment Agency would realize a higher return on its investment than if it were forced to sell the property for a lesser use. Furthermore, if the property should be sold for less money than had been anticipated, the Redevelopment Agency would have a greater deficit; and one-third of that deficit would have to be made up by a local contribution, probably in the form of non-cash credits.

Commissioner Ritchie asked why the Fillmore Center had not already been constructed. Mr. Rosso replied that it is the policy of the Redevelopment Agency to acquire property for the construction of low- and moderate-income housing at the outset in order to make the neighborhood being redeveloped look better. Subsequently, attention is given to the marketing of commercial land. He remarked that commercial land in the Western Addition could not even have been given away five years ago.

Commissioner Ritchie remarked that Mr. Rosso had suggested that the Fillmore Center might be abandoned if it seemed that a competitive shopping center might be constructed on the subject site; and, following the same line of argument, he wondered what effect the proposed Fillmore Center would have on the adjacent Japanese Center which has already been developed by the Redevelopment Agency. Mr. Rosso replied that the Japanese Cultural and Trade Center consist mostly of manufacturers' representatives; and he indicated that the Nihonmachi, now under construction, will contain commercial facilities which will be oriented towards tourists and members of the Japanese Community. He did not feel that the Fillmore Center, which would have a regional market, would have any detrimental impact on the Japanese Center.

Martin White, representing the Minority Economic Coalition, advised the Commission that the Fillmore Center represents the first opportunity given to the black community in 300 years to participate in a major commercial development in the United States; and he indicated that residents of the Western Addition, working through WACO and WAPAC, had worked hard to achieve the right to participate in the development. He did not feel that the minimal rent and taxes which the City would receive from the development proposed for the car barn site would be sufficient to justify an action which would deny the black community an opportunity to proceed with their own project. He remarked that more viable citizens can also be of value to the community; and he felt that the value to the City of the viable citizens which would be created by a successful Fillmore Center might be far greater than the actual cash which the City would receive from development of the subject site. He stated that the developers of the Fillmore Center had been given permission to move ahead only four months ago; and, almost immediately thereafter, the threat of the competitive shopping center had arisen. Even then, the developers who were planning to invest money in the Fillmore Center were not the first to know of the competitive project; they had learned of it while attending a shopping center conference in the Mid-west. If a competing development were to be constructed on the car barn site across the street from the best anchor tenant in the world (Sears Roebuck and Company), it would turn the Fillmore Center proposal into a ridiculous gamble. With regard to Commissioner Ritchie's question of the impact which the Fillmore Center would have on the Japanese Center, he remarked that the Fillmore Center would attract people from all over the region, many of whom would also visit the Japanese Cultural and Trade Center and Nihonmachi while they were in the area; and, in fact, the Fillmore Center would assure the viability of the commercial uses in the Japanese Center. He believed that construction of a major shopping center above the bus yard would only be a "headache" for the Public Utilities Commission; and, while more intensive use of the site might be desirable, he did not feel that the regional shopping center, which would destroy the Fillmore Center project, would be in the best interests of the community.

Commissioner Porter asked if the economic surveys which proposed developers of the subject site would be required to prepare would contain an analysis of the impact of their property on the Fillmore Center as well as on the other commercial areas which had already been mentioned. Mr. Wortman replied that a requirement could be established for such an analysis.

Mr. White remarked that such a center would have a secondary market in the Richmond District; but customers in the area traveling to the Fillmore Center on the Geary Boulevard bus would probably be tempted to do their shopping at the shopping center proposed for the car barn site rather than riding another mile on the bus to the Fillmore Center.

President Newman asked Mr. White how long the Fillmore Center would need protection against a competing shopping center. Mr. White replied that he was confident that the developers of the Fillmore Center would be able to obtain financing and tenants if the Commission were to disapprove the subject application and to refuse to consider a similar application for a period of one year. Once the Fillmore Center has

been established, he doubted if anyone would be interested in pursuing development of a competitive shopping center on the car barn site.

Commissioner Rueda remarked that the car barn proposal might be returned to the Commission at any time if the Commission were to take action finding that the lease of the property at the present time is not in conformity with the Master Plan.

The Director stated that the Board of Supervisors could still decide that the property should be declared surplus even if the recommendation of the Commission were negative; and, in such an event, the reclassification application would be sent back to the Commission with a request for action.

Commissioner Fleishhacker remarked that the only way to satisfy Mr. White's request would be to take the matter under advisement for one year.

Commissioner Porter asked if the Fillmore Center would be operated primarily for black people or if it would cater to others as well. Mr. White replied that the Fillmore Center would hope to attract all types of people from all over the region; however, it was hoped that a large number of black people would participate in the ownership of the development through purchase of shares of stock.

Arthur Connolly, attorney for the Laurel Heights Association, stated that he had heard Mr. Wortman give three presentations of the proposal for the car bar site; and never once had a remark been uttered which would support an earlier contention that the property would be developed "in a manner most beneficial to the needs of the surrounding neighborhood". In fact, Mr. Wortman had stated during the current hearing that the only purpose of the proposed development would be to provide revenue for the City. Furthermore, in spite of the presentation which Mr. Wortman had made, the actual development being proposed for the site remained a mystery. If economic impact studies were to be undertaken, some specific type of development must be under consideration; and, if so, he felt that the plans for the development should have been presented at the hearing. In his own mind, it was inconceivable that the Public Utilities Commission could make a decision at a later date on a proposed development based on economic impact studies prepared by the prospective developers themselves. With regard to the issue of view protection, Mr. Connolly stated that he had had charts drawn to scale to show the impact which a building conforming to the 40-foot height limit on the car barn site would have on views from buildings located on Lupine Avenue; and he indicated that the results shown on his charts were quite contrary to Mr. Wortman's representation of what the damage would be. He stated that members of the Laurel Heights Improvement Association were violently opposed to the subject application; and he questioned whether the two City employees sitting on the Commission should consider themselves qualified to vote on a matter in which the Public Utilities Commission and the City are the applicants. Commissioner Finn stated that he had been advised by the City Attorney that he had a legal right to vote on the application without any danger of a conflict of interest.

Richard Kline, President of the Clement Street Merchants Association, remarked that the BART study of the Richmond Corridor may result in a recommendation for public use of the subject site; and he felt that the City ought to have a full understanding of its future needs before giving away the site for \$100,000 a year. He also stated that the Planning Association for the Richmond had requested its consultants, Whistler-Patri, to comment on the subject application; and the response which had been received from Mr. Patri, copies of which had been sent to individual members of the Commission, had concluded that "it would be very poor City policy and potentially very damaging to the Richmond District to allow competitive commercial development that would merely duplicate existing facilities and undo much existing public and private investment." He had also contacted the Chamber of Commerce regarding the proposed project and had received a letter in return which stated that the Chamber of Commerce agreed that the Geary-Presidio Car Barn site would be an inappropriate location for a shopping center. Mr. Kline remarked that the City and County of San Francisco should not compete with its own citizens; and he believed that construction of a new shopping center on the site would result in the closing of small shops in the surrounding neighborhood and would stifle development on Clement Street. In conclusion, he stated that construction of the shopping center on the subject site would, in effect, change the living pattern in the Richmond District; and he remarked that the Richmond District is the only residential neighborhood in the City which has actually had a slight gain in population during the past 20 years.

Commissioner Ritchie asked Mr. Kline for his opinion of the proposed Fillmore Center. Mr. Kline replied that he was in favor of that development; and he indicated that there is always room for ethnic groups to establish themselves. In any case, the impact of the Fillmore Center on the neighborhood had already been established; and he pointed out that it would not be located at a visible point on the crest of the hill as would the shopping center proposed for the car barn site.

Adrian Hazard, representing the Planning Area for the Richmond, stated that studies which had been undertaken for his group had concluded that commercial services presently available are more than adequate to serve the needs of the people living in the area; and he indicated that the members of his organization felt that construction of a regional shopping center on the subject site would have a disastrous effect. He also remarked that if an economic impact study were to be made of the proposed development in the future, the people making the study would probably contact local merchants and the Chamber of Commerce for information; and he pointed out that those people were present in the meeting room.

Mr. Brynner, representing the Laurel Village Merchants Association, spoke in opposition to the proposal to reclassify the subject property to C-2. While Mr. Wortman had concluded only 9 of the businesses in Laurel Village would be hurt if a regional shopping center were to be constructed on the car barn property, he pointed out that there are only 21 or 22 merchants in the district; and as a result, almost half of the businesses presently existing would be hurt. He believed that the proposed development would also have a disastrous effect on Geary Boulevard and Clement Street where hundreds of businesses are located; and, since those merchants produce

a great deal of revenue for the City, he felt that the proposed development would actually take away more than it would contribute to the City.

President Newman asked how many buildings are vacant in Laurel Village at the present time. Mr. Brynner replied that none of the buildings are vacant; and he indicated that it would probably take approximately 20 years to exhaust the present waiting list of tenants.

Vernon Thornton, representing the Western Addition Project Area Committee (WAPAC), submitted a petition which had been signed by a number of Fillmore Street merchants protesting the lease of land and air rights and the proposed rezoning of the subject property to C-2. He stated that many of the merchants who had been forced to move out of the area by the Redevelopment Agency were hoping to return to the area. However, if the subject property were to be developed as a regional shopping center, existing neighborhood merchants would be put out of business and others would be discouraged from coming in; and not only the Western Addition, but also Geary Boulevard and Laurel Village, would be affected. He hoped that action on the proposal would be delayed until such time as ground has been broken for the Fillmore Center project; and he urged all citizens of San Francisco, regardless of race, to accept responsibility for seeing that the Fillmore Center is successful.

Cliff Heller, a property owner and taxpayer residing in the Western Addition, stated that he did not believe that the proposed development could be justified on the basis that it would ease the taxpayer's burden. As a case in point, he remarked that he had previously appeared before the Commission to oppose construction of a 14-story convalescent hospital on Post Street. Although the Commission had reduced the height of the facility to 7 floors, the building was approved and completed in 1967; and it had remained vacant ever since. The owners of the building had refused to pay their property taxes, preferring to incur a 6% penalty so they could invest their money elsewhere. Yet, he had continued to pay taxes on his own property; and his taxes had tripled in the last 10 years.

Commissioner Porter stated that the convalescent hospital had been approved not to lower the tax rate but to help aged people. She stated that there was a great need for convalescent care facilities in San Francisco at that time; and the developer of the Post Street facility had promised to reserve 37% of his rooms for Medi-Cal patients. The developer had later come before the Commission requesting that the stipulation be removed; but the Commission had refused, and the building had continued to remain vacant.

Mr. Heller stated that the justification offered for the proposed project was that it would provide revenue for the City; yet, while his own taxes had tripled, the front page of yesterday's Chronicle had carried a story relating that taxes for buildings in the Golden Gateway and in the Fisherman's Wharf area had been reduced. In conclusion, he stated that residents of San Francisco, like the residents of New York City, will be paying higher taxes for worse services. He did not believe that the proposed development would result in a lowering of taxes; and he felt that it should not be justified on that basis.

Mary Rogers, representing the San Francisco Tenants Union, stated that it is already difficult to find housing in San Francisco; and, if the Fillmore Center were not to be constructed, she felt that it would be impossible to provide adequate housing for low-income families. If the subject property were to be declared surplus, she felt that it should be rezoned for housing and for nothing else. If it were to be rezoned for commercial use, she would have no option but to believe that the purpose of such action was to remove black people from San Francisco.

Sid Walker, representing the Muni Drivers Association, called attention to an article which had recently appeared in the newspapers regarding introduction of a mass transit bill to the Legislature in Sacramento; and he hoped that the members of the Commission could see the correlation between that Bill and the proposal presently under consideration. If the Mass Transit Bill is enacted, the subject property might be used as a transportation transfer point, becoming a terminal with a parking lot for automobiles coming into the City from Marin County. People would be forced to leave their automobiles at the site and travel the rest of the way to Downtown San Francisco by public transportation; and, although the property would still remain in the public domain, the City would derive revenue from the parking lot which would function similarly to the Port Authority Terminal and the Uptown Terminal in New York City. In addition, the parking lot could handle over-flow from the adjacent Sears Roebuck Store or from the Fillmore Center. He felt that the property should be retained by the City to meet future transportation needs.

Sister Margaret Cafferty, representing Catholic Social Services in the Western Addition, felt that the Commission should gather more facts before taking any action on the proposal under consideration; and she felt that it was especially important that the Commission should defer action until the results of the proposed transportation studies are known. She remarked that experts had advised the Commission that there would be no hope for the Fillmore Center if the subject property were to be declared surplus and rezoned to C-2; and, for that reason, she believed that commercial development on the subject site should be discouraged.

Rebecca Evans, representing the San Francisco Bay Chapter of the Sierra Club, read and submitted the following statement:

"The San Francisco Conservation Committee of the San Francisco Bay Chapter of the Sierra Club has studied the proposal for rezoning of the public property now controlled by the Public Utilities Commission, and occupied by the San Francisco Municipal Railway for offices and car-barns. This property is bounded by Geary, Masonic, Presidio and Euclid.

"Our determination is that this property should not be rezoned to commercial and that any leasing of the air rights over the property for commercial and/or high-rise development would be detrimental to the neighborhood for the following reasons:

- "1. It would cause a substantial increase in traffic in an already congested area;

- "2. It would cause a substantial increase in air pollution in a residential area, already traversed by arterial traffic;
- "3. Noise pollution would be increased for the same reasons; and
- "4. Visual pollution would be created if high rise is authorized and constructed in the area.

"The highest and best use for this property must, in our view, consider the environmental aspects as well as the economic factors and we therefore recommend that the property be maintained in P zoning and studied for possible use as a public park in an area deficient in recreational opportunities."

Commissioner Ritchie questioned Mrs. Evans' reference to a proposal for "high-rise" development on the subject site. Mrs. Evans replied that it was her understanding that a 240-foot high building might be constructed on the southern portion of the site. Mr. Wortman, responding to another question directed to him by Commissioner Ritchie, acknowledged that the development to be chosen for the site might include a 240-foot high building on the Geary Boulevard frontage of the property.

Gerson Biskind, 77 Lupine Avenue, stated that he could not believe that the City, for less than \$100,000 annual revenue, would take an action which would start deterioration of the surrounding neighborhood and which would hurt merchants in Laurel Village, on Clement Street, on Geary Boulevard, on Market Street, and in Downtown San Francisco and which would undermine the Fillmore Center. In effect, he believed that the City would get almost nothing out of the proposed development, which had probably been proposed only because someone had seen "a fat chance to make a bundle".

Commissioner Finn asked Mr. Biskind what type of development, if any, he would prefer on the subject property. Mr. Biskind replied that he would like to see the area developed as a park to serve the needs of the neighborhood.

Gary Marsh, 249 Corbett Avenue, noted that an in depth study is presently under way regarding the feasibility of developing a rapid transit system through the Richmond Corridor. He also reported that BART engineers had stressed the fact that it would be difficult to store any rail cars which might be used for the Richmond Corridor system south of Market Street because of the difficulty of passing under the double-level tubes on Market Street; and, as a result, unless the new rapid transit line were to be extended to Marin County, the subject property seemed to be the only site for storage of the rail cars which would be used in that system. Since it would be extremely difficult to excavate the subject site for underground storage for the rail cars, he felt that the Commission's action on the matter under consideration should be postponed until such time as the transportation studies have been completed. Mr. Marsh also remarked that he had heard that one alternate to construction of a trolley line on Sunset Boulevard would be to store street cars for the N line on the Geary-Presidio Car Barn site; and he believed that the structure

which presently exists on the site could be converted for storage of trolley vehicles. Given that possibility, he felt that it was especially important that the property should not be "sold out" at the present time.

Commissioner Fleishhacker moved that the Public Utilities Commission's action declaring the southern one-third of the subject property surplus be approved as in conformity with the Master Plan and that the proposal for declaring the rest of the site surplus be disapproved as in conflict with the Master Plan. It appeared to him that money was the sole motive behind the proposal under consideration; and, while he was not opposed to actions which would save the tax payer's money, he did not feel that the City would really profit from development of the northern portion of the site. He also remarked that there had been only one proponent for the proposal under consideration -- another City department; and he did not understand how the Commission could ignore the wishes of the black community, residents of the subject neighborhood, and both neighborhood and downtown merchants in acting on a proposal which seemed to him to have less in its favor than any other proposal which had ever been reviewed by the Commission.

Commissioner Ritchie asked if he were correct in understanding that a 240-foot building could be constructed on the southern one-third of the site if it were declared surplus regardless of whether the property is zoned for commercial or residential use. The Director replied in the affirmative.

Commissioner Fleishhacker stated that one of his reasons for moving approval of the proposal to declare the southern portion of the site as surplus was that it had previously been said that development of that portion of that site would be economical; and he believed that the issue should be given more consideration.

Commissioner Finn asked Mr. Wortman if a viable project could be developed if only the southern portion of the site were to be declared surplus. Mr. Wortman replied in the negative and explained that the developer would have to provide the Municipal Railway with 50,000 square feet of office space to replace the office space provided in the building presently occupying the property; and he believed that fulfillment of that requirement would destroy the value of any new development which might be constructed on the site. In reply to a further question raised by Commissioner Finn, Mr. Wortman stated that it would cost approximately \$200,000 a year to rent alternate office space for the staff of the Municipal Railway. He continued to feel that the entire parcel of property would have to be declared surplus if an economically feasible development were to take place.

Commissioner Ritchie asked what type of building was being considered for the southern portion of the site. Mr. Wortman replied that developers with whom he had talked had raised the possibility of constructing as much office space on the southern portion of the site as the Urban Design Plan would allow; however, they had indicated that commercial development to a height of 40 feet would have to be developed on the remainder of the site to make the project feasible.

Commissioner Ritchie asked if the height of any buildings proposed for the southern portion of the site could be lowered by the City Planning Commission through exercise of its discretionary review authority. The Director replied that it was extremely unlikely that any such action on the part of the Commission would be sustained.

Commissioner Fleishhacker's motion failed for want of a second.

Commissioner Porter remarked that the questions to be considered were whether the property could be developed economically and whether it could be developed in a way which would be an asset to the neighborhood; and she gathered that Mr. Wortman felt that both objectives could not be achieved unless the entire parcel of property were to be declared surplus and rezoned to C-2. She also remarked that it was not certain that a regional shopping center would be developed on the site; and she was confident that Mr. Wortman would be willing to consider other types of development proposals. In addition, any proposal being given serious consideration would be made the subject of careful study to determine its probable economic effect on other commercial areas. She felt that many checks and balances exist to protect the interest of the community; and she believed that the property would not be turned over to a developer whose project would not be in the best interests of the community as a whole.

Mr. Wortman re-emphasized that further action would have to be taken by the Public Utilities Commission and the Board of Supervisors before any development of the site could proceed; and he indicated that the matter would come before the City Planning Commission again if conditional use authorization is required.

Commissioner Fleishhacker stated that he assumed that a conditional use application would be filed only if the prospective developer wished to exceed the height limits pertaining to the site.

Mr. Wortman acknowledged that a conditional use application would have to be filed if the prospective developer wished to exceed the height or bulk limits presently pertaining to the site.

Commissioner Fleishhacker remarked that he did not understand how any City agency could ever wish to violate the law.

Mr. Wortman stated that the City Planning Commission would have an opportunity to review the bids received and to determine whether any conflict of existing laws might exist. In addition, the Commission could exercise its discretionary review authority over the project finally selected.

President Newman remarked that the Director of Planning had indicated that there may be a public need for the subject property in the future; however, the likelihood of that need arising was indefinite. On the other hand, the Public Utilities Commission, who should be in the best position to make a judgment, had adopted a resolution declaring certain lands and air space within the Presidio-Geary Municipal Car

Barn and Bus Storage Yard as surplus to the needs of the Municipal Railway; and he felt that the City Planning Commission should support the Public Utilities Commission's decision.

Commissioner Rueda stated that the purpose of the project being proposed was to provide some relief for some local property taxpayers; and he pointed out that the City would not only receive at least \$100,000 per year for 50 years but that it would also obtain title to the buildings constructed on the site at the expiration of the lease. He moved that the Public Utilities Commission's action declaring the lands and air space on the site as surplus be approved as in conformity with the Master Plan. The motion was seconded by Commissioner Finn.

Commissioner Fleishhacker doubted that approval of the proposed development would reduce taxes over the next 50 years, especially since the value of the dollar is likely to change drastically in that time. In any case, the actual financial return to the City from the proposed project was nebulous at best; and the Commission had been fairly well assured that an annual return of \$100,000 would not be realized unless the height limits on the site were to be violated. He also felt that the Commission should have all of the pertinent facts before making a decision on the proposal; and, in his opinion, the Commission had been given no facts at all. He did not understand how the Commission could make a decision regarding the financial desirability of the proposed development when no firm financial facts had been presented; and he pointed out that neither the staff of the Department of City Planning nor the Commission had even seen the traffic study which had been mentioned by Mr. Wortman.

Commissioner Rueda remarked that specific facts could not be provided until the property has been declared surplus.

Commissioner Fleishhacker disagreed.

Commissioner Ritchie acknowledged that an annual return of \$100,000 on property valued at \$1,750,000 seemed to be extremely low; but he felt that the property should be declared surplus and that a specific zoning designation should be assigned so that specific development proposals could be received for study.

When the question was called, the Commission voted 6-1 to approve the proposal to declare certain land and air space on the site surplus as being in conformity with the Master Plan. Commissioners Finn, Mellon, Newman, Porter, Ritchie and Rueda voted "Aye"; Commissioner Fleishhacker voted "No."

President Newman then asked the Director for his recommendation regarding the proposal to reclassify the subject property to C-2.

The Director recommended that the portion of the subject site south of Post Street be reclassified to C-2 and that the area north of Post Street be reclassified to R-3.

Commissioner Ritchie stated that his major concern was that any development of the property have a low profile so that views from properties to the west would be preserved; and he indicated that he was not in favor of high rise construction on the portion of the property located south of Post Street. As a result, he did not wish for the Commission to take any action which would in any way constitute a "blank check" for development of the site; and he felt that the best way to assure the Commission's continued control over the project would be to announce its intention of conducting a discretionary review over any proposal which might be accepted for the site.

The Director stated that the best way to assure that no high rise building would be constructed on the southern portion of the site would be to reclassify the entire property to R-3 which has a "built in" 40-foot height limit. If, on the other hand, the southern portion of the site were to be reclassified to C-2, exercise of the Commission's discretionary review authority would provide some control over the height of any buildings which might be proposed.

Commissioner Porter stated that she, also, was disturbed by the fact that the Urban Design height and bulk limits now in effect would allow construction of a 240-foot high building on the southern portion of the site; and she wondered if the property could be zoned in such a way that the height limits could be controlled.

The Director stated that the Commission has the power to lower the height limits now in effect; and any action taken by the Commission in that regard would become effective immediately.

Commissioner Fleishhacker observed that if the Commission were to announce its intention of conducting a discretionary review of plans for any projects specifically proposed for the site, prospective developers would still be in the dark as to what they could do with the property; and, as a result, Mr. Wortman would still be unable to solicit bids. He felt that it would be wiser for the Commission to establish definite maximum and minimum limits for development in advance so that prospective developers would be aware of the conditions which they would have to meet.

Mr. Wortman stated that it was his opinion that the Planning Commission would have the right to conduct a discretionary review of any specific development proposed for the site in any case.

Commissioner Fleishhacker felt that it would be desirable for the Commission to rezone the entire parcel to R-3; however, according to comments made previously on behalf of the Public Utilities Commission, nothing could be accomplished by that zoning. Yet, since the City Planning Commission had already approved the proposal to declare the property surplus, it would have to be given some zoning classification; and he moved that the southern portion of the property be reclassified to C-2 and that the northern portion of the site be reclassified to R-3. President Newman vacated the chair to second the motion.

Commissioner Rueda remarked that the matter of zoning for the property would ultimately be referred back to the City Planning Commission by the Board of Supervisors unless the entire property were reclassified to C-2 as requested by the Public Utilities Commission; and he indicated that he intended to vote against Commissioner Fleishhacker's motion.

When the question was called, Commissioners Fleishhacker and Newman voted "Aye"; Commissioners Finn, Mellon, Porter, Ritchie and Rueda voted "No".

Subsequently, it was moved by Commissioner Rueda and seconded by Commissioner Porter that the entire parcel of property be reclassified to C-2.

Commissioner Fleishhacker remarked that if the Commission were to pass the motion which had been made by Commissioner Rueda it would be completely disregarding everything which had been said by every speaker from the audience including representatives of the black community, the Chamber of Commerce, residents of the subject neighborhood, the San Francisco Urban Renewal Association, the Redevelopment Agency, the Clement Street Merchants, the Laurel Village Merchants, the Planning Area for the Richmond, the San Francisco Bay Chapter of the Sierra Club, and other citizens of San Francisco.

Commissioner Rueda stated that he disagreed with Commissioner Fleishhacker.

Commissioner Porter stated that she regretted that Commissioner Fleishhacker had felt it necessary to make such a statement.

Commissioner Fleishhacker stated that he realized that it was "dirty pool" but that it seemed to him that it was a dirty game.

Commissioner Porter stated that she felt that every member of the Commission is an honest individual, exercising his own discretion with integrity even though the discretion might not always be good. She indicated that she had previously fought zoning battles on behalf of residents of Laurel Heights and Anza Vista; and she did not feel that the proposed development of the subject property would hurt those neighborhoods in any way. She also trusted the integrity of the Public Utilities Commission and felt that it should be allowed to proceed with its investigation of possible developments for the site; and she was convinced that no project would ensue if the right sort of development was not proposed. If a development is accepted by the Public Utilities Commission, the strong controls pertaining to the project would insure that it would be a very public-spirited development. In conclusion, she stated that she deeply resented being excoriated for not agreeing with one other member of the Commission.

Commissioner Finn stated that the Public Utilities Commission would not be acting alone in accepting a viable offer for development of the site since final approval of the agreement would rest with the Board of Supervisors; and he was confident that the proposed development would be very viable and that it would have no detrimental impact on the economy of San Francisco.

Commissioner Ritchie also disagreed with Commissioner Fleishhacker that the other Commissioners were involved in a "dirty game" and that they had not listened to the speakers from the audience. He stated that he had driven around the site many times; and he could not imagine any development which would be uglier than the existing open-storage yard for buses located in the middle of the highly developed area. He felt that a combination of C-2 and R-3 zoning would be much more likely to produce an undesirable development than would C-2 zoning for the entire parcel of property. Still, he had no clear idea of what might be proposed for the site under C-2 zoning; and, as a real estate man, he had serious doubts about the economical feasibility of any of the types of projects which had been discussed during the course of the hearing. He was confident that the Commission, in its later reviews of any project proposed, would be concerned about the protection of surrounding properties and about the type and economics of the use itself. However, since nothing could be done until the City is in a position to receive specific proposals for review, he intended to vote in support of the motion.

Commissioner Mellon stated that he did not feel that the site would be impossible to develop; however, a great deal of time would be needed to put an acceptable proposal together. Furthermore, he indicated that he would never lend his support to a development without knowing what its economic effect would be on the Fillmore Center and on other commercial areas. Yet, he felt that the Public Utilities Commission should be given a chance to see what could be done to improve the appearance of the property and to achieve a reasonable amount of income for the City; and he emphasized that nothing could be done if the Commission failed to act favorably on the motion which had been made by Commission Rueda.

President Newman stated that he did not feel that the entire site should be rezoned C-2, especially since additional housing is needed in the City, as emphasized by the Human Rights Commission in its letter to the Commission; and he believed that R-3 zoning of the southern portion of the property would provide better protection for the adjacent residential neighborhood.

Commissioner Mellon observed that C-2 zoning for the site would not preclude construction of housing.

When the question was called, the Commission voted 5-2 to adopt Resolution No. 6825 and to approve reclassification of the subject property from P to C-2 as requested in application ZM71.24. Commissioners Finn, Mellon, Porter, Ritchie and Rueda voted "Aye"; Commissioners Fleishhacker and Newman voted "No".

At 6:30 p.m., President Newman announced a five minute recess. The Commission reconvened at 6:35 p.m. and proceeded with hearing of the remainder of the agenda.

PRESENTATION OF THE FINAL CHINATOWN CONSULTANT REPORT

Allan B. Jacobs, Director of Planning, remarked that the hour was late; and he felt that it would be unfair both to the consultants and to the Chinatown community to proceed with the scheduled presentation. He stated that copies of the report

had been placed before the individual members of the Commission; and he indicated that the formal presentation would be scheduled for a later date.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

ABJ

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, March 30, 1972.

The City Planning Commission met pursuant to notice on Thursday, March 30, 1972, at 7:00 P.M. in the auditorium of the Everett Junior High School.

PRESENT: Walter S. Newman, President; Mrs. Charles B. Porter, Vice President; James J. Finn, John Ritchie, and Hector E. Rueda, members of the City Planning Commission.

ABSENT: Mortimer Fleishhacker and Thomas J. Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Allan B. Jacobs, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Dean L. Macris, Assistant Director-Plans and Programs; Richard Hedman, Planner V - Urban Design; Peter Svirsky, Planner IV (Zoning); Marie Carlberg, Planner III; Joseph Fitzpatrick, Planner III; Sidney Shaw, Planner III; Daniel Sullivan, Planner III (Zoning); Beatrice Ryan, Planner III; Dennis Ryan, Planner III - Urban Design; Emily Hill, Planner II; William Duchek, Planner II; Joan Lamphier, Planner II; and Lynn E. Pio, Secretary.

Ralph Craib represented the San Francisco Chronicle, and Television Channels 5 and 7 were also represented.

ZT72.2 and ZM72.2 PUBLIC HEARING ON PROPOSED HEIGHT AND BULK CONTROLS
(SOUTHEASTERN PORTION OF THE CITY)

President Newman welcomed members of the audience and explained how the height and bulk controls which were being considered had originated with the Urban Design Study which was begun by the staff of the Department of City Planning in 1968.

Allan B. Jacobs, Director of Planning, delivered the following introductory comments:

"I think it is important to point out, as we have done before, that these height and bulk controls would implement only one part of the Urban Design Plan. There are other parts that are just as important, relating to such things as reduction of traffic in residential areas, provision of more recreation space, improvement of other neighborhood amenities, preservation of historic buildings and restrictions on vacation of streets. These are not part of the present proposals, and must be accomplished in other ways.

"The controls for height and bulk grew out of the section of the Plan that concerns development of new buildings. The overall purpose of these controls is to add greater restriction

in order to guide future development and safeguard established qualities of the city. They are intended to limit new buildings so that they will be better related to topography and natural features, to existing scales in each area, to patterns of land use, and to transportation.

"The guidelines of the Urban Design Plan were the starting point, but the staff also took into account established zoning districts, the character and development potential of each area, all existing and approved construction, the Department's area plans, and other elements of the City's Master Plan. In converting the Urban Design Plan guidelines into precise limits, the tendency was to become even more restrictive than the guidelines of the Plan.

"The height controls being proposed for this part of the city are all fixed limits, and once enacted into law they could be changed only by legislative action of the Board of Supervisors. The bulk limits add a further control for higher buildings where they are permitted and have the effect of keeping these buildings slender on the skyline. These limits on bulk would also be precise limits, although they could be modified in exceptional cases by the Planning Commission if compensating measures, described in the ordinance, were taken to reduce the appearance of bulk.

"As Mr. Newman has already mentioned this evening, the new height limits would in all cases either keep existing controls or add greater restriction. On this map, all the blue areas have had no height limits in the past, and the controls now being considered by the Commission would for the first time impose height limits in these areas. The blue area now covers outer Market and the blocks below it to Mission Park, the Mission corridor between Valencia and South Van Ness, Guerrerero, Dolores, 24th Street, some of the East Mission, other commercial areas such as on outer Mission Street, Cortland and San Bruno, all property in the Public Use district, and every industrial area including those surrounding Potrero Hill, along the whole Bayfront and around the Bayview and Hunters Point neighborhoods. These blue areas would all be given height limits under our proposals.

"Everything on this map that does not have the blue color does have an existing height limit because it is under R-1-D, R-1, R-2 or R-3 zoning. The height limits in these areas would remain in effect, and these are 35 feet for R-1-D and R-1 areas, and 40 feet for R-2 and R-3 areas. These limits would not be changed.

"The bulk controls, which apply to every location where higher buildings would be allowed, are also totally new controls. Before this there has been no limit at all on the width of towers on the skyline, and no other city in the United States has a control similar to the one being proposed for San Francisco. There is also no other major city that has proposed citywide height limits such as those now before this Commission.

"The large map shows in more detail the proposed limits for this part of the city. Green indicates the Open Space district, which would be placed on parks, playgrounds and other public open spaces. The greatest part of the rest of the area would be in a 40-foot district, covering R-1-D, R-1, R-2, R-3 and also significant parts of the R-4 and C-2 districts which have had no height limits before now.

"The other height limits proposed are as follows:

- "1. On Market Street, 105 feet next to the Central Freeway, with 80 feet in the C-2 area out to Castro Street and 50 feet for one and one-half blocks of Castro.
- "2. 50 feet along Valencia and South Van Ness, extending into the industrial areas above 20th Street.
- "3. 80 feet along the Mission Street corridor between Bartlett and Capp, falling to 65 feet at 20th Street and rising at the transit stations: 240 feet at 16th Street and 105 and 160 feet at 24th Street.
- "4. 65 and 80 feet at Franklin Square.
- "5. 160 feet at San Francisco General Hospital.
- "6. 65 feet along Potrero Avenue next to the hospital.
- "7. 65 feet at Army and Mission Streets, with 105 feet on the block occupied by St. Luke's Hospital.
- "8. 65 feet for commercial areas on Ocean, Mission and Geneva.
- "9. 130, 200 and 240 feet for the MUNI's Geneva Car Barns, which are at a transit station and have the potential for a positive kind of development with proper controls.
- "10. 50 and 65 feet for most industrial areas east of the James Lick Freeway and on parts of the Hunters Point shipyard.

- "11. 130 and 240 feet for possible air-rights development over the Southern Pacific rail yards, again with close control.
 - "12. 105 and 130 feet for the area at Third and Army Streets, and 105 feet for the Produce Market area.
 - "13. 105 feet along Third Street from McKinnon to Revere.
 - "14. 160 feet in one area on the Hunters Point ridge where three tower apartments are planned as part of redevelopment.
 - "15. 130 feet in one small part of the Hunters Point shipyard.
- "As was pointed out earlier, these all are new limits where no limits existed before."

J. A. du Lac, representing the San Francisco Opposition, advised the members of the Commission that the citizens of the City are extremely apprehensive about their neighborhoods and feel that they are threatened by developers and real estate interests wishing to construct high-rise buildings. In considering the height and bulk proposals which had been recommended by the staff of the Department of City Planning, he felt that the Commission should understand what they are up against; and, similarly, he believed that members of the audience should be aware of what they are up against. He advised the audience that one of the members of the Commission is the business manager of the Elevator Constructors Union; and he stated that that commissioner had never voted against any high-rise buildings in San Francisco. He stated that the two ex-officio members of the Commission, also, had always voted in favor of high-rise proposals; and he was particularly critical of the fact that one of the ex-officio members, who is Director of Transportation for the Public Utilities Commission, had joined other members of the Commission in voting for approval of high-rise construction on the Geary-Presidio Car Barn site even though everyone who had testified on the matter had been opposed to the proposal. In conclusion, he advised the Commission that residents of the City want no more high-rise buildings; and he believed that message would come through loud and clear in the testimony of other people present in the audience.

Carlos Carillo, President of the Mission Coalition Organization, felt that construction of high-rise buildings in the Mission District would drive out the present residents of the area by changing the character of the neighborhood and raising rents; and he informed the Commission that residents of the area were determined not to be driven out of their neighborhood. He displayed a chart which contrasted the height of existing buildings along Mission Street with the height limits which had been recommended by the staff of the Department of City Planning; and he indicated that his organization was particularly opposed to the 240-foot height limit which had been recommended in the vicinity of 16th and Mission Streets and the 160-foot height limit which had been recommended for the vicinity of 24th and Mission Streets.

Commissioner Rueda explained that the purpose of the public hearing being held by the Commission was to get a sense of the feeling of the community; and he assured Mr. Carillo that the Commission did not intend to take any action which would cause people to be forced out of the city. He stated that the staff of the Department of City Planning had proposed that height limits be established in areas where no height limits have existed in the past; and he assured the audience that the Commission would give serious consideration to all comments offered by the public before taking action to accept or modify the staff's proposals.

Judy Bowman, also representing the Mission Coalition Organization, stated that the members of her group had concluded that the height limits being proposed by the staff of the Department of City Planning would turn Mission Street into another financial district, thus destroying the uniqueness of that part of the city. Furthermore, she believed that construction of high-rise buildings would raise property taxes in the area, thus forcing present residents of the neighborhood to move to other neighborhoods. She stated that members of the Mission Coalition Organization had come to the hearing to protest the height limits which had been recommended by the staff of the Department of City Planning in order to protect the environment of their community.

Luisa Esquerro, also representing the Mission Coalition Organization, distributed copies of an analysis of the height limits which had been proposed by the staff of the Department of City Planning and summarized portions of the document which read as follows:

"III. MCO Criteria for Mission Height and Bulk Limits

MCO has developed its own recommendations for heights in the Mission.

The following criteria were used to develop our proposal:

- A. The Mission District is a residential area. Mission Street is a commercial street primarily serving, and dependent upon, the residents. These functions are to be preserved and strengthened.
 - a. priority needs are for low to moderate-income housing, parks, services, and businesses which serve the needs of present Mission residents.
 - b. increases in taxes or rents should be minimal.
 - c. it is vital to preserve the existing network of small shops and stores which now serve the neighborhood.
 - d. all new developments must meet requirements for public open space, community facilities, and percentage of low to moderate-income housing.
 - e. needs of offices and large businesses are secondary to needs of residents.

- B. New height and bulk limits must be consistent with the Comprehensive Plan for the Mission now being prepared by MCO. This Plan must become the basis for all major changes in the Mission.
- C. The new height and bulk limits must contain a waiver for development of low to moderate-income housing in the Mission.

"IV. Specific MCO Proposals:

- A. Height limits on Mission Street from 14th to Army.
 - a. the east-west width of the corridor which contains the following four height zones (105, 80, 65, and 50) is defined to be one-half block (not to exceed 110 feet) beginning at the Mission Street property line and measured toward the next parallel street (east toward Capp or west toward Bartlett).
 - b. BART corners: 105 foot height limit one-half block north and south of the Mission intersections of 16th and 24th.
 - c. North and south of the 105 foot districts: 80 foot height limit one-half block north and south, to the Mission intersections of 15th and 17th, and of 23rd and 25th.
 - d. North and south of the 80 foot districts: 65 foot height limit in the next two blocks north and south of the 80 foot districts, including from 15th north to 13th, from 17th south to 19th, from 23rd north to 21st, and from 25th south to Army.
 - e. 50 foot limit from 19th south to 21st.
- B. Other areas in the Mission District
 - a. A height limit of 40 feet throughout the Mission with the following exceptions.
 - b. The San Francisco General Hospital site and the St. Luke's Hospital site shall both have height limits of 105 feet.
 - c. Low to moderate-income housing shall receive a height limit waiver to a maximum of 80 feet, if necessary, to meet the federal cost limits for subsidized housing units.
 - d. Subject to MCO review, mixed commercial-residential developments may also be eligible for a variance up to 80 feet if the following two requirements are met: the majority of the housing units are subsidized for low to moderate-income households and a majority of the floor space in the development is to be used for residential purposes.

- C. Requirements for all buildings 65 feet or higher to be built in the Mission.
 - a. All residential developments of 30 or more units must provide for 50% of these units to be subsidized through one or a combination of the following programs: Section 23 leased public housing, Rent Supplement, Sections 235 or 236, or the City's temporary rent assistance program.
 - b. At least 15 percent of the land in any such development must be open space, usable to the public, and maintained by the developer.
 - c. At least 500 square feet of the floor space of any such new development must be available on a permanent basis, 24 hours a day, for community use.
 - d. No structure shall cover more than 75% of its site. A portion of the 25% remaining would be occupied by the public open space specified in (b.) above.
- D. Bulk limits for buildings lower than 65 feet.
 - a. Bulk limits for these buildings must be established.
 - b. The zoning laws must be changed to provide a way of preventing long, unbroken facades at the street level."

At the conclusion of her presentation, Miss Esquerro stated that the staff of the Mission Coalition Organization would be ready and willing to discuss their recommendations with the staff of the Department of City Planning at any time.

Jim Armstrong, representing the Mission Merchants Association, stated that the membership of his organization, including 200 merchants with businesses on Mission Street and on streets crossing Mission Street, Valencia Street, and South Van Ness Avenue, were primarily concerned about the effect which the proposed height limits would have on commercial developments on Mission Street. Yet, while the emphasis of their concern was on commercial development, they also realized that social concerns, such as provision of low and moderate income housing, are important if the City is to develop properly; and they believed that designation of areas in the vicinity of 16th and 24th Streets on Mission Street as "super high-rise areas" would be in conflict with such considerations. Construction of high-rise buildings in those areas would also generate increased demand for parking space; and he pointed out that the Mission District already suffers from a severe shortage of off-street parking spaces. Mr. Armstrong stated that the members of his organization were also concerned about the architectural appearance of their neighborhood; and they believed that heights of 160 feet or 240 feet on Mission Street would cause the rest of the district to take on a miniature appearance. In addition, allowing buildings of such height to be constructed would bring oppressive pressures for new development; and the members of his organization had no desire to have Mission Street become a "junior Montgomery Street". He stated that he could not understand why anyone would wish to construct high-rise buildings in the middle of a valley surrounded by hills; and he stated that the members of his organization would be prepared to accept new buildings equal in height to the Bay

View Tower (110 feet) or even buildings with a height of 130 feet, but nothing higher. He also noted that the staff of the Department of City Planning had recommended height limits of 65 feet and 80 feet in the area between the proposed 160 feet and 240 feet height limits; and, if the recommendations of the staff of the Department of City Planning were to be adopted, they would have the effect of penalizing the owners of property between the two station areas. He anticipated that a considerable amount of time would elapse before final action is taken by the Board of Supervisors on the proposed legislation; and he indicated that members of his organization would be willing to meet with the staff of the Department of City Planning or any interested individuals from the Mission District during the interim.

Hugh S. Baker, representing the Dolores Valley Improvement Association which encompasses the area bounded by Market, Guerrero, 16th, and Sanchez Streets, stated that his neighborhood is of great historical interest because of Mission Dolores which attracts thousands of visitors each year; and he indicated that members of his organization were anxious to obtain assurances from the City Planning Commission that the 40-foot height limit will be established and maintained for their neighborhood. He stated that Dolores Street is one of the most attractive streets in San Francisco; and he felt that it should be protected against construction of the type of apartment houses which have been built recently. Therefore, he felt that it was important that the 40-foot height limit should be established by the City Planning Commission and the Board of Supervisors in that area, particularly since a single variance can establish a precedent which will encourage others.

William H. Liskamm, 544 Union Street, read and submitted the following prepared statement:

"As one of the principal urban planning consultants engaged by the San Francisco City Planning Commission to prepare the MISSION DISTRICT URBAN DESIGN STUDY early in 1966, I feel compelled to comment on the maximum height limits set for the Mission District by the San Francisco City Planning Department.

"The referenced study had as its focus the areas around the two BART stations in the Mission District - 16th Street and 24th Street. The main purpose of this study was to project in economic and physical terms the consequences or impact that might be expected from the opening of the two BART stations described above.

"The study described how increased access of the magnitude of a major new rapid transit system usually brings with it increased development. It indicated that there would be increased demands from commercial developers and tenants who sought locations in San Francisco to develop and operate in the Mission District - primarily around the transit stations.

The study pointed out that if the City's policy was to support this development in this area of the City, it should coordinate it in a manner to offer maximum benefits to all who would use it.

"However, the study did not address itself to whether or not this development should be permitted. Since that time (1966) the community has clearly expressed itself for maintaining its residential character - with support facilities appropriate to neighborhood scale. They have indicated that they do not wish to house activities that are of little or no direct benefit to them, and are, in fact, disbenefits in environmental terms. (Similarities can be drawn between this expression of community concerns and those of local neighborhoods faced with the construction of a freeway through their neighborhoods).

"I believe that the height limits set for the station areas are too high, and are in direct conflict with expressed community objectives. I urge the Commission to respond to the desire of the community to retain its residential scale. I recommend a maximum height limit of 105 feet at both station areas to extend for a distance of one half block in all directions, with proportional stepping down of this limit as the distance from the stations increases."

Commissioner Porter recalled that the Mission Merchants Association had endorsed the results of Mr. Liskamm's study in 1966; and she indicated that she was surprised that there had been such a significant change of opinion since that time.

Gloria Diana Ramos, 2940 16th Street, identified herself as the Housing Director for OBECA, an affiliate of the Mission Coalition Organization, and indicated that she completely supported the position which had been taken by the Mission Coalition Organization on the proposed height limits. She stated that OBECA is trying to develop improved housing in the Mission District; and she felt that the height limits which were being proposed by the staff of the Department of City Planning would make their efforts impossible. She stated that many people living in the neighborhood cannot afford market-rate housing and are forced to live in run-down and over-crowded circumstances; and, since HUD had made it clear in its decision on the Regal Pale site that renewal funds will not be made available to the Mission District in the foreseeable future, improvement of the housing stock would be achieved only through local efforts. She did not feel high-rise buildings should be allowed which would force present residents out of the area; however, in some case, the 40-foot height limit might have to be exceeded to achieve an economically feasible mix of family and elderly housing.

S. G. Fisher, owner of property located at 1485 Bayshore Boulevard, indicated that he represented a group of individuals who own property which was originally developed industrially and which still remains zoned for industrial use; however, since industrial land is no longer in as great demand in that area,

other uses for the properties will have to be found in the future. He stated that he had converted the building occupying his property for office use; but other properties in the area are vacant. He indicated that the Urban Design Plan established a height range of 40 feet to 88 feet for properties in that industrial area; and the owners of the properties had expected that a permanent height limit of 88 feet would be recommended by the staff of the Department of City Planning. Instead, the staff of the Department of City Planning had recommended a height limit of 65 feet for the properties. The owners continued to prefer a height limit of 88 feet; however, understanding that no 88-foot height limit district was being recommended, they would be satisfied if a height limit of 80 feet were established for their properties.

John C. Carney, 555 Vermont Street, objected to the 130-foot and 240-foot height limits being recommended for the Santa Fe and Southern Pacific Yards properties and recommended that height limits of 60 or 80 feet be established instead with higher height limits being approved only when necessary.

Ruth Perry, 4322 24th Street, stated that high-rise buildings do not help the taxpayer one bit; and she felt that the City Planning Commission had already made up its mind about the proposed height limits in spite of the protests being made by individuals and organizations. She felt that the height limits which were being recommended for Upper Market Street would destroy a fine business and residential area; and, in addition, the high-rise buildings which would be allowed would create more traffic congestion and pollution. While some people might argue that construction of high-rise buildings would provide work for local residents, she believed that most of the workers hired would come from out-of-town or from out-of-state. She objected to the type of plans which had been prepared for Diamond Heights and the vicinity of Market and Castro Streets by the City; and she urged that lower height limits be established so that the taxpayers would not be stuck with any more "monstrosities."

Commissioner Porter advised Mrs. Perry that the Upper Market Planning Association had employed Piero Patri to prepare a plan for upper Market Street; and she indicated that the height limits which were being recommended by the staff of the Department of City Planning were consistent with or lower than the height limits which had been recommended to and approved by that group.

Dale Champion, 21 Saturn, stated that he was not aware that the Upper Market Planning Association had endorsed the height limits which had been recommended by Mr. Patri. He asked to defer his other comments until Mr. Schwarzschild, another resident of the Upper Market Area, had read a statement to the Commission.

Stanley Smith, representing the San Francisco Building and Construction Trades Council, complimented the Mission Coalition Organization for presenting the Commission with an intelligent plan rather than with something completely negative. Often, however, such groups stand in opposition to any actions which would encourage new development in the City even though those same groups are ones which come to the Building and Construction Trades Council asking for jobs. He stated

that members of his organization would be willing to sit down any time with any community group to try to come up with a plan which would be in the best interests of San Francisco.

Bert Schwarzschild, 363 Douglass Street, advised the Commission that the Eureka Valley Promotion Association, with the co-sponsorship of the Buena Vista Neighborhood Association and Friends of Noe Valley, had held a panel discussion on the height limit issue on March 23. More than 200 people had participated in the meeting and had overwhelmingly adopted the following resolution:

"Whereas Upper Market Street between Van Ness Ave. and Castro St. presently has mostly light business and/or residential buildings 40 feet high; and

"Whereas this portion of Market Street can be characterized as airy and sunny, and we want the refurbished Upper Market Street to reflect and encourage the present open sunny boulevard feeling; and

"Whereas this Association has had an intimate knowledge of the needs of this area since 1881 and is recognized for its long term efforts to preserve, enhance and protect the many good qualities of the area, through such means as tree planting, re-zoning efforts, transportation policies, etc; and

"Whereas this Association recently has joined other organizations in recommending to the City a change in the Upper Market Beautification and Development Plan so as to redirect street activity to 'People' use, rather than 'Auto' use, by reducing auto lanes to four lanes, incorporating bicycle lanes, and retaining the electric trolley busses, a recommendation which was sympathetically received by the Board of Supervisors which now has these changes under submission; and

"Whereas the retention of the street's present residential character would insure 24 hour activity on the street and sidewalk by local residents thereby providing greater safety and reducing street crime; and

"Whereas the Planning Department's staff recommendation to establish an Upper Market Street height limit of 80 feet between Castro Street and the Central Freeway could in effect double the present and traditional 40 foot height of most buildings, and would not be in conformity to the residential character of the street and adjacent area, would destroy the open sunny character of the street today; and

"Whereas the Planning Department's staff recommendation to increase the present 40 foot height limit to 400, 240 and 160 along Upper Market Street between Van Ness Ave. and Central Freeway would adversely affect the views of all residents of the lower slopes of the entire Upper Market and more distant areas, and cast a perpetual shadow on the adjacent residential buildings; therefore

"BE IT RESOLVED: that the Planning Commission retain the 'break bulk' and 'step-down' provisions for hilly frontages recommended by the Planning staff, which we compliment for this creative and innovative approach, further

"BE IT RESOLVED that this Association go on record as urging the Planning Commission to place a 40 foot height limit along Upper Market Street between Castro St. and Central Freeway and along the business block of Castro St. and an 80 foot height limit on the Upper Market buffer zone between Van Ness Ave. and Central Freeway; and further

"BE IT RESOLVED that this Association recommends to the Planning Commission the creation of a new 'C-R' combined commercial-residential zoning classification along Upper Market Street made up of businesses in the lower half of buildings to preserve the residential character of the Upper Market neighborhood and the Upper Market Boulevard, with such new 'C-R' zoning classification applied to all of Upper Market Street; and further

"BE IT RESOLVED that the Planning Commission assign a 'conditional use' classification on all gas stations (there are 10 of them), open parking and auto sales lots along Upper Market Street in order to eventually phase out these activities which are out of character with the grand, tree-lined and sunny Boulevard oriented towards people rather than cars, which we envisage."

Mr. Schwarzschild remarked that Mr. Carillo had emphasized that the members of his organization do not wish to have Mission Street turned into another Market Street. Likewise, residents of his neighborhood did not wish to have Upper Market Street turned into another Lower Market Street. He remarked that most of the buildings on Upper Market Street have a height ranging from one to four floors, with businesses on the first floor and residences above. A survey which had been made of the street had disclosed that the buildings have 187 residential units and only 127 businesses; and the three senior citizen hotels on the street had not been counted in the survey. He felt that it was extremely important that the number of residential units in the city should not be further reduced; otherwise, the entire City will become a "super-ghetto" for the very rich and the very poor.

Mr. Champion felt that Upper Market Street should be maintained as a residential area with ground floor commercial activities. If an 80-foot height limit were to be established for the Upper Market area, the area would become attractive to speculators who would allow properties to deteriorate; and, since major rehabilitation efforts have taken place in the Buena Vista and Duboce Triangle neighborhoods which lie adjacent to Upper Market Street, he felt that nothing should be done which would encourage deterioration of properties along the street. He felt that the 80-foot height limit might have been proposed as a "pay-off" to property owners along Upper Market Street to make up for the inconveniences of BART construction; however, he did not feel that the taxpayers who had approved the bond issue for BART should be required to pay doubly for the new system. He also noted that the boundaries for the 80-foot height limit district, as proposed by the staff of the Department of City Planning trailed off onto side streets in a zig-zag pattern, following the boundary line of the existing commercial district; and, since many of the properties on the side streets are developed with buildings with a height of only 2 or 3 stories, he felt that approval of an 80-foot height limit for them would be most inappropriate. He remarked that construction to a height of 80 feet along Market Street would generate a great demand for additional parking space along the street; and he felt that the 80-foot height limit should not be established without giving some consideration to the problem of parking. In conclusion, he stated that a height limit of 80 feet for Upper Market Street would be contrary to the interests of the surrounding neighborhood.

Commissioner Porter observed that the height limit recommendations of the staff of the Department of City Planning could be changed by the City Planning Commission if the Commission were convinced that a majority of the residents of a given area were not in sympathy with the staff's recommendations. Therefore, she stated that it would be helpful if people addressing the Commission would specify what type of development they would prefer, particularly in the vicinity of entrances to BART on Municipal Railway subways.

Mr. Champion stated that residents of his neighborhood were afraid that people would try to put together a block of land in the vicinity of the Eureka Subway Station for construction of a high-rise building; and he believed that construction of such a building would drastically alter the character of the neighborhood on which it would thrive. He also questioned whether the existing book stores, delicatessens and other small shops which make Castro Street "fun" would remain if a height limit were established which would encourage medium density development along that street. He stated that he was not prepared to say how high buildings should be allowed to rise in the vicinity of rapid transit stations; and, in fact, he felt that the height of existing buildings might be appropriate. Furthermore, in thinking of new buildings, one must consider for whom they will be built; and, if they were to be built for people already living in the area, those people would probably prefer to have the neighborhood remain unchanged.

President Newman read a letter which had been received from Dora N. Friedman, Secretary of the Eureka Valley Merchants Association, as follows:

"At our March meeting, a lengthy and serious discussion was held concerning the proposed height limits for the Castro-Market area. The Eureka Valley Merchants Association, comprising the business and professional core of this area, wish to go on record as being in favor of the following height limitations:

"ONE HUNDRED AND FIFTY FEET (150') on Market Street

"ONE HUNDRED FEET (100') on the commercial area of Castro Street

"It is the feeling of our Association that Market Street is the main thoroughfare of our city and that its potential for future growth and development should be provided for. Further, with the completion of BARTD and the Castro-Market station, this area is destined to become a truly beautiful and revitalized neighborhood."

Robert Gonzales, member of the San Francisco Board of Supervisors, complimented the City Planning Commission for scheduling its public hearings in the neighborhoods rather than in City Hall. He stated that he had voted for high-rise buildings proposed for Downtown San Francisco, with the exception of the U.S. Steel Building, because he felt that high-rise buildings belong in that area; however, he respected people's desire to maintain the residential integrity of their neighborhoods. He was surprised that the Director of Planning had recommended that buildings of 16 stories be permitted at 24th and Mission and that buildings of 24 stories be permitted at 16th and Mission. He did not feel that he could possibly vote in favor of those height limits. On the other hand, he believed that the Mission Coalition Organization had proposed a very viable program of height limits for Mission Street. He also regarded the 80-foot height limit which had been recommended by the staff of the Department of City Planning for Upper Market Street as somewhat questionable; however, he was confident that both the City Planning Commission and the Board of Supervisors, in voting on the issue, would vote for limits which would have the support of residents of the neighborhood.

Dr. Donald Hoesten, 270 Liberty Street, represented the Dolores Heights Improvement Club and informed the Commission that his organization supported the 40-foot height limit which had been recommended for their area.

Linda Alperstein, representing the Friends of Noe Valley, stated that all of the diverse types of people living in her neighborhood wished to maintain the high quality of livability which presently exists in the area. She stated that the members of her organization had recently planted 250 trees in the area; and she hoped that the trees would be the tallest "edifices" in the Noe Valley. She urged approval of a 40-foot height limit for her neighborhood.

Reuel S. Brady, 1130 Gillman Avenue, stated that plans for the South Bayshore area had been prepared by the Department of City Planning, working in conjunction with the residents of the neighborhood; and he indicated that he concurred with the height limits which were being proposed for that area. He also invited the Commission to visit the new homes which are under construction on Hunters Point Ridge.

Charles Starbuck, 1625 Leavenworth Street, represented the San Francisco Opposition. He indicated that he believed that his organization had the most sensible solution to the height limit problem, i.e., to place all of the City, except for the Downtown business district, under a 40-foot height limit. In the past, height limits, which had once been unrestricted, had become progressively more restrictive; and he saw no reason why the City should not start with low height limits in all areas and gradually raise the limits as it is determined that growth in certain areas would be tolerable. He remarked that the recent Census had indicated that San Francisco is ten times more dense than any other county in the Bay Area; and, as a result, it has reached a straining point in terms of traffic congestion and other problems. He believed that density could be controlled only by imposition of height limits; and he felt that the appropriate height limit for all of the City except for Downtown would be 40 feet. He stated that the Building and Construction Trades Council had characterized his organization as "anti-growth"; and his response to statements of that kind is to look people in the eye and ask them how much of "growth" goes into their pockets. Furthermore, of the 8500 workers in California who are involved in the construction of high-rise buildings, only 15 are black men; and no union in the building trades has a membership of more than 20% minority people. As a result, it could not be argued that growth will help minority people. Approximately 33% of the population of San Francisco consists of minority people; and he was not convinced that growth would be in the best interest of every San Francisco resident.

Paul Sherrill, 156 Texas Street, represented the Potrero Hill Residents and Homeowners Council and indicated that the members of his organization were concerned about the height limits which were being recommended for three areas in the vicinity of Potrero Hill. The first area of concern was the industrial area which is located immediately north of Potrero Hill for which a 65-foot height limit had been recommended. Mr. Sherrill noted that Potrero Hill has natural changes in elevation on the south, west, and east; however, no natural change in elevation occurs on the north. He could see no justification for allowing height of 65 feet on those industrial properties which are located adjacent to a residential zone, particularly since the staff had recommended 50-foot limits for other South of Market industrial areas. If buildings to a height of 65 feet were permitted in the industrial zone north of Potrero Hill he believed that some of the finest views in the City would be blocked. The second area of concern was the Southern Pacific tracks and station property to the northeast of Potrero Hill for which 130-foot and 240-foot height limits had been recommended. He indicated that he had understood that the rationale behind those recommendations was based on a concept of permitting high rise residential development in an industrial area; and, while the members of his organization were not opposed to the concept of

residential development in industrial districts, they would be opposed to construction to 240-foot high residential buildings with no restrictions, particularly since the City Planning Code prohibits residential construction in M-2 Districts. He felt that any height above 50 feet in that area should be made the subject of an application to be brought before the Commission for special approval. The third area of concern was an industrial area south of Potrero Hill and north of the Islais Creek Channel for which height limits of 105 feet and 130 feet had been recommended. If the height limits had been proposed to encourage residential development in that area, the members of his organization would not be opposed; however, they would be opposed to the construction of high-rise residential or commercial buildings. In any case, he felt that any high-rise buildings to be constructed in that area should be subject to specific approval by the City Planning Commission.

John M. Sanger, 15 Beaver Street, questioned the manner in which the boundary for the 80-foot height limit district along Upper Market Street had been drawn. It appeared that the line had been drawn congruent with the line which defines the C-2 District in that area; but he felt that it would be difficult to justify the height limit boundaries on that basis since height has a different relationship to the character of a neighborhood than zoning. He remarked that the retail stores on Upper Market Street are one of the great blessings of the area; and, surprisingly, most of the commercial buildings are lower in height than the residential buildings in the area. He understood that there were valid reasons for proposing greater height near subway station entrances; and, as a result, he was not particularly disturbed about the 80-foot height limit being recommended for those areas. However, he did question the desirability of allowing such height on Noe, Sanchez, and other streets which intersect Market Street. He remarked that the elevation of Market Street declines from Castro Street to Noe Street and from Noe Street to Sanchez Street; and he felt that construction of buildings with a height of 80 feet in that area would be out of character with the existing development and would block views. He recognized that the 80-foot height limit which was being recommended by the staff of the Department of City Planning would be more restrictive than controls which exist at the present time; yet, such a height limit would allow construction of buildings which would be considerably higher than most of the buildings which presently exist.

As an alternate to what had been proposed by the staff of the Department of City Planning, Mr. Sanger suggested that consideration might be given to an approach in which height might be "stepped down" on a lot by lot as well as on a block by block basis to prevent the building on the lowest lot in the block from being as high as the building on the highest portion of the block. He did not feel that height should be an element of importance between the subway stations. And, in any case, he felt that greater height should be allowed only to a depth of one lot along Market Street and not into the adjacent areas which are developed primarily with residential uses.

John H. Crafts, 379 Collingwood Street, remarked that the downtown business district had generally been accepted as the appropriate area of the City for construction of high-rise buildings; and he had understood that the purpose of the BART system would be to provide transportation from residential areas to the central business district and not to encourage development of new high-rise buildings in other parts of the City. Yet, the Upper Market Planning Association, in conjunction with BART construction on Upper Market Street, had started a movement aimed at encouraging development of high-rise buildings on Upper Market Street; and their efforts had been reflected in the height limits which had been recommended by the staff of the Department of City Planning. He remarked that the population of San Francisco is not increasing; and, if anything, it is decreasing. As a result, he could see no justification for allowing the height of buildings along Upper Market Street to be increased to the detriment of a majority of property owners living in the area.

Margo Bors, 785 Carolina Street, joined Mr. Sherrill in objecting to the height limits which had been recommended for the industrial property owned by the Southern Pacific Railroad and the industrial property located near the Islais Creek Channel. Since most other industrial areas would have 50-foot height limits, she felt that those properties, also, should be subject to a 50-foot limit.

Chet Rhoan, President of the Diamond Heights Neighborhood Association, realized that San Francisco is faced with the serious problem of growth which requires construction of more and more high-rise buildings; yet, he questioned whether the City could afford to allow itself to be destroyed in that way. He stated that Diamond Heights is a new and unique community with a unique view of the City; and he believed that the 80-foot height limit being proposed for Upper Market Street would encourage construction of buildings in that area which would destroy the views and the quality of the Diamond Heights Neighborhood, as well as other neighborhoods. He urged that Upper Market Street be subject to a 40-foot height limit.

Allan B. Jacobs, Director of Planning, stated that the staff of the Department of City Planning had made 25 changes in its recommendations for height limits between the time that the Urban Design Plan was presented to the Commission and the time when it was officially adopted after public hearings. As a result, he felt that the record of both the staff and the Commission in reacting to neighborhood concerns was good. He congratulated the Mission Coalition Organization for the positive nature of their proposal; but he remarked that some of their recommendations, such as those dealing with open space and coverage, could not be acted upon by the City Planning Commission as a part of the height and bulk legislation presently under consideration. Furthermore, once height limits are adopted as law, exceptions to the legal height could not be granted even for low- and moderate-income housing and the possibility of such exceptions might lead to dangerous speculation. Both the Mission Coalition Organization and the representative of the Mission Merchants Association had stated that the height limits being recommended by the staff of the Department of City Planning were in conflict with the Urban Design Plan; but he emphasized that the height limits which were being

recommended were based upon the guidelines of that Plan, and if anything were lower than those guidelines. Mr. Fisher had urged that industrial property along Bayshore Boulevard be subject to an 88 or 80 foot height limit rather than the 65-foot height limit which had been recommended by the staff because properties in the area are presently under-developed and unsightly. The Director doubted that an 80-foot height limit would give significantly more encouragement to new development than a 65-foot height limit; and, in any case, view considerations from the James Lick Freeway are important. Various speakers had objected to the 80-foot height limits which had been proposed for Upper Market Street; and, although five buildings already exist on a portion of Upper Market Street which have a height of approximately 80 feet without blocking views or other detrimental effects, he indicated that the staff of the Department of City Planning would give consideration to the concerns which had been expressed by members of the audience. With regard to the industrial area immediately north of Potrero Hill for which a 65-foot height limit had been recommended, he observed that six buildings with heights greater than 65 feet presently exist in that area without blocking views from the slopes of Potrero Hill. In conclusion, he stated that all of the comments which had been made by members of the audience would be given consideration by the staff and would be covered in a report which will be prepared for presentation after the remaining public hearings have been concluded.

President Newman announced that the hearing on height and bulk controls for the southeastern portion of the City would be continued until Thursday, May 25, 1972, at 2:30 P.M. in Room 282, City Hall.

The meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

